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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.1343/2001

New Delhi this the 23rd day of October, 2001.

HON'BLE MR. SHANKER RAJU, MEMBER (JUDICIAL)

Vishnu Das S/o Sh. Upender Das,
R/o H.No.702, Ali Ganj,
Lodhi Road, New Delhi-3. -Applicant

(By Advocate Shri M.K. Bhardwaj)

-Versus-

Union of India through:

1. Secretary,
Ministry of Agriculture,
Krishi Bhawan, New Delhi.
2. Member Secretary,
Com Commission for Agriculture Cost & Prices,
Krishi Bhawan, New Delhi.
3. Administrative Officer,
C.A.C.P., Ministry of Agriculture,
Shastri Bhawan New Delhi. -Respondents

(By Advocate Shri Rajeev Bansal)

O R D E R (ORAL)

By Mr. Shanker Raju, Member (J):

Heard the learned counsel for the parties.

2. The claim of the applicant, who was working as casual labour, is that having worked from 24.1.99 to 30.9.99 and thereafter 25.1.2000 to 29.4.2000 as well as during August 2000 and having completed 206 days he is yet to be accorded temporary status and despite availability of work his services have been dispensed with by the respondents, retaining his juniors. It is also contended that a certificate has been issued by the officer of the respondents certifying that the applicant has worked for two years and as such he is entitled for accord of temporary status and engagement and further regularisation as per the Scheme of the DOP&T of 1993.

3. On the other hand, strongly rebutting the contentions of the applicant the learned counsel for the respondents placing reliance on several documents, including what has been sponsored by the Employment Exchange, contended that the applicant had worked only for a limited period and the rest of the period one Puran Chand and Naresh Kumar whose names have been sponsored through the Employment Exchange have been engaged. It is also stated that the applicant in different names and different Employment Exchange got his name sponsored and on compassionate ground at one occasion he was allowed to continue under the alias Naresh Kumar. In this view of the matter it is stated that having not worked for requisite days of service and due to the non-availability of work his services have been dispensed with and in the event any work of the casual nature is available with the respondents the applicant shall be considered in preference to juniors and outsiders.

4. Having regard to the rival contentions of the parties, ends of justice would be duly met if the respondents are directed to verify the claim of the applicant pertaining to his having rendered service as casual labour, as claimed by him. We order accordingly. The necessary orders shall be passed by the respondents after considering the claim of the applicant for accord of temporary status as per the requisite criteria and instructions within three months from the date of receipt of a copy of this order. However, it goes without saying that in the event the respondents have availability of work of casual nature the claim of the applicant shall be

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considered for re-engagement in preference to juniors and outsiders. The OA is disposed of at the admission stage itself. No costs.

S. Raju
(Shanker Raju)
Member (J)

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