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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A. No. 1587/2001

Date of Decision: 18.01.2002

Tulsi Ram & 2 Others.....Applicants

(By Mrs. Meera Chhibbar, Advocate)

Versus

Union of India & Anr.....Respondents.

(by Ms. C. M. Chopra, Advocate)

Corum:

Hon'ble Shri Govindan S. Tampi, Member (A)

1. To be referred to the Reporter or not ? YES/NO
2. Whether it needs to be circulated to other Benches of the Tribunal ? YES/NO

(GOVINDAN S. TAMPI)
MEMBER (A)

Patwal/

(13)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH NEW DELHI

O.A. No. 1587/2001

New Delhi, this the....18th day of January 2002..

Hon'ble Shri Govindan S. Tampi, Member (A)

1. Tulsi Ram S/o Sh. Mohan Ram
E-266, Ward No.2
Mehrauli, New Delhi
2. Sh. Anand Singh, S/o Sh. Kedar Singh
A-12, Ayur Vigyan Nagar,
New Delhi
3. Sh. Ram Prasad,
S/o Sh. Ram Hari,
A-98, C.R. Park, New Delhi

.....Applicants
(By Mrs. Meera Chhibbar, Advocate)

VERSUS

1. Union of India through
Secretary, MHA North Block,
New Delhi
2. Director, Central Translation Bureau,
Deptt.d of Official Language,
CGO Complex, Paryavaran Bhawan,
Lodhi Road, New Delhi.

.....Respondents.

(By Ms. C.M. Chopra, Advocate)

O R D E R

Reliefs sought for in this OA filed by 3 applicants
are as below:

- 1) declaration that the applicants are entitled to grant of temporary status.
 - 2) declaration that the applicants are entitled to get full time wages i.e. Rs.11.60 per day or whatever was the rate from May 1997 alongwith arrears thereof.
 - 3) directing to the respondents to grant them arrears and consider them for regularisation after granting temporary status to them and all other benefits which accrue after grant of temporary status.
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2. Heard Smt. Meera Chhibbar and Smt. C.M. Chopra respective counsel for the applicants and the respondents..

3. All the three applicants were registered with the Employment Exchange and sponsored by them to respondent No. 2 i.e. Central Translation Bureau of the Department of Official Language. Applicant No. 1 was initially engaged in 1996 as Peon/Waterman. In 1997 with small break he was re-engaged as Mali on part time basis but was being made to work on full time in addition to Mali Job for delivery of dak etc. Applicant No. 2 who was engaged as Waterman on daily wages on 2.5.97 worked upto 24.11.97 whereafter he was given a break and brought back as part time basis from 23.12.97 and is working full time with the organisation though being termed as part time. Applicant No. 3 was engaged originally in mess of the Hostel working from 6 A.M. to 11 A.M. in the morning and 4 P.M. to 11 P.M. in the evening. All the 3 have been working for full time though they are only being paid as part time but continuing to do so for whole days work and have been working from 1997 without any break. They are seeking grant of temporary status which they are entitled in terms of Government of India scheme dated 10.9.93. They are being denied temporary status on the ground that they are not in service when the scheme was introduced but the courts have time and again held that scheme was on going scheme and that those who completed 240 days in 6 days week and 206 days in 5 days week are entitled for grant of temporary status. However, instead of granting them temporary status they are being threatened with disengaged on account of which they have approached the Tribunal.

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4. Stoutly pleading on behalf of the applicants Mrs. Meera Chhibbar states that all these persons working for more than 3 years full time though having been termed as part time their cases deserve consideration, more so as they have been referred to daily wagers (.....) There was no reason at all to deny them temporary status and the benefit of full salary. She also refers the orders of the Tribunal in OA. 2722/99 in the case of Vidya Vs UOI dated 30.6.2000 and OA No. 420/2001 decided on 5.10.2001 in the case of Makan Devi Vs UOI.

5. Appearing on behalf of the respondents and endorsing the pleas made by Ms. C.M. Chopra states that as the applicants have joined at different periods there was no commonality in their grievances and their addresses given are not correct. While applicant Tulsi Ram was engaged on 10.4.97 as part time worker and other 2 workers Anand Singh and Ram Prasad were engaged only on 23.1.98. Sh. Tulsi Ram was being paid Rs. 1500/- pm. which was subsequently revised to Rs. 1800/- w.e.f. 1.4.98 and Rs.2000/- from 1.7.99 and presently he is drawing Rs.2200/-w.e.f. 1.4.2000. He has been given also break of a few days in 1998 , 2000 and 2001. The same was the case of other 2 applicants also who were engaged as part time workers for a few hours from 23.1.98 with few days breaks . They could not be considered as casual workers and termed to be eligible for grant of temporary status. Their plea was misconceived and should be rejected, as what Smt. Chopra states.


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6. I have carefully considered the matter and find that the applicants had been working from 1997(1) and 1998 (2 & 3) almost continuously though with few days break which can be termed only as technical /artificial breaks. It is also seen that though they have been termed as part time workers, work was extracted from them for full time and therefore they should be considered as full time casual employees. That being the case they were correctly be entitled for grant of temporary status once they complete 240 days and for regularisation thereafter in terms of the rules in turn. The decision of the Tribunal in the case of Vidya (OA No. 2722/99) would also come to their help. However, their request that they should be given full salary for the period from 1997 onwards cannot be accepted as they had acquiesced in the payment of part time salary and it cannot be re-opened at this stage.

7. In the above view of the matter the application succeeds to a substantial extent and is accordingly disposed of. The respondents are directed to consider the case of grant of temporary status to the applicants from the date they have completed 240 days ignoring the artificial breaks in between. In the case of applicant No. 1 the period of first engagement should be calculated from 10.4.97 while in the case of applicants 2 and 3 ^{should be} ~~issued~~ from 23.1.1998. The request for grant of full wages from 1997 and 1998 with arrears is rejected, as being devoid of merit.

No costs.


(Govindan S. Tampi)
Member (A)

Patwal/