

9

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 1806/2001

New Delhi, this the 1st day of May, 2002

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

1. Shri Muni Lal
S/o Shri Nand Lal
R/o Village Ransika PO Khar
Distt. Gurgaon.
2. Rajender Kumar
S/o Shri Panchim Singh
R/o 612, Nasirpur
Vill. Chowdhary Khazan Singh Pardhanji
New Delhi - 110 045.
3. Brajesh Kumar
S/o Shri Ram Sagar
R/o East Sagarpur, Nalapar Basti
Gali No.1, House No.RZI
Delhi Cantt-10.
4. Shri Karan Singh
S/o Shri Govind Singh
R/o D-115, Viham Vihar, Part-I
Dinpur, Najafgarh, New Delhi.
5. Shri Shiv Singh
S/o Shri Kali Ram
R/o House No.RZ-686/17-A
Palam Colony, Sad Nagar, Part-II
Gali No.27, E-2, New Delhi - 110 045.

...Applicants

(By Advocate Shri Surinder Singh)

V E R S U S

UNION OF INDIA : THROUGH

1. The Defence Secretary
Ministry of Defence
PHQ, PO, New Delhi - 110 011.
2. The Officer Commandant
FOL Depot, (210 POL PL) ASC
Delhi Cantt.

...Respondents

(By Advocate Shri R.N.Singh through
Shri Vivek Kumar)

O R D E R (ORAL)

By Hon'ble Shri Govindan S.Tampi,

MA 1535/2001 for joining together is allowed.

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2. Issuance of directions for conferment of temporary status to the applicants from the dates on which they had completed 206 days/240 days in a year and grant of one paid holiday on completion of 6 days continuous work in accordance with the OM of 7-6-1988, are the prayers made by the applicants in this OA.

3. Heard Shri Surinder Singh, learned counsel for the applicant and Shri Vivek Kumar, learned proxy counsel for the respondents.

4. Briefly stated, facts are that the five applicants ^{when} working as a Casual Labourers with the respondents joining on various dates between 1984 and 93. All of them have completed the requisite period of 206/240 days of service in a particular year, though the respondents had excluded from computation of the period, Sundays and Holidays, which they should have. They are, therefore, entitled for the conferment of grant of temporary status, which has been improperly denied to them. According to the applicants both during April 1999 to March 2000 and April 2000 to March 2001, the individuals have completed the requisite period and, therefore, they should have been granted the temporary status. Further, they are also entitled for grant of one paid holiday, after every six days. This has been the decision of the Tribunal in the case of ahakuntla Devi Vs. Secretary, Department of Food, Ministry of Food and Civil Supplies [(1991) 18 ATC 142 (II)], fully followed by the Tribunal in OA 334/2001 filed by Titu

- 3 -
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Ram & Ors. decided on 12-9-2001, in respect of the very same Unit where the applicants are also working. The applicants should get the benefit of these two

decisions and the consequential benefits arising therefrom, pleads Shri Surinder Singh.

5. Strongly rebutting the pleas raised on behalf of the applicants, Shri Vivek Kumar, learned proxy counsel states that the concerned Unit was a War Establishment and came into existence only on 30-9-1997 and is liable to be wound up at any time, observing six days a week and that the individuals concerned are not covered by the DoPT Scheme of 10-9-1993. According to him this particular Unit came into existence on 30-9-1997, which was moved from Ambala to this place and the services of the applicants were ^{taken} ~~were~~ as fresh casual labourers and the previous service, if any, rendered by them anywhere ~~else~~ ^{else} was not of any relevance. Shri Vivek also states that none of the persons had completed the requisite period of 240 days in a year, as required in terms of the Scheme dated 10-9-1993 either in the previous unit or in the present and, therefore, they do ^{not} have even an arguable case. Respondents are relying upon a statement, showing that during the calender year 1999-2000, these individuals have worked up to 209 days and, therefore, their cases would not be covered by any order in their favour, as the requisite period was 240 days.

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-4-

6. I have carefully considered the matter. Both the learned counsel have fervently canvassed their cases. While the learned counsel for the applicants has earnestly indicated that the applicants' having completed the requisite period of service during the financial years of 1999-2000 and 2000-2001, they are entitled for the grant of temporary status. According to Shri Vivek, 1d. proxy counsel for the respondents, the applicants were not eligible as none of them had completed 240 days in a calender year, required for grant of temporary status in an Organisation observing six days week. On perusal of the matter, I am convinced that the applicants do have a case. Admittedly this is an establishment which is working on six days basis. The fact that it has been set up in September, 1997 as a separate Unit does not take away the services rendered by the applicants, since they joined service from 1984 to 1993 onwards. Tribunal had decided earlier also that the computation of the requisite period would not be with reference either to the calender year or to the financial year but only a year, i.e. continuous spell of 12 months. In that scenario, it is found that during 2000-01, all of them had completed more than 240 days, including a holiday at the end of every six days and have thus become eligible for grant of temporary status. My findings above are duly fortified by the decisions of the Tribunal in Shakuntala Devi's case (OA 57/90) pronounced on 18-5-1990 and Titu Ram's case (OA 334/2001) harded down on 12-9-2001, which also dealt with similar circumstances.

... 5/-

7. In view of the above, the OA Succeeds and is accordingly allowed. The respondents are directed to treat the applicants as having completed the requisite period for grant of temporary status during 2000-2001 and grant them the status with consequential benefits. This shall be done within two months from the date of receipt of a copy of this order. No costs.

(Govindan S. Tampli)
Member (A)

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