

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

Hon'ble Shri Shanker Raju, Member (Judicial)

O.A.No.334/2001

(b)

New Delhi, this the 12th day of September, 2001

1. Shri Titu Ram
s/o Shri Kali Ram
r/o Jatauli Helli Mandi
Tehsil Pantodigi
Gurgaon.
2. Shri Satbir
s/o Shri Banwari Lal
r/o WZ 1672, Jail Road
Nangal Rai
New Delhi - 16.
3. Shri Bachhu Lal
s/o Shri Ram Sumer
r/o 279, Raksha Enclave
Mohan Garden
Uttam Nagar
New Delhi - 59.
4. Shri Narayan Dey
s/o Shri Nepal Chand
r/o WZ 1528, Nangal Rai
New Delhi - 46.
5. Shri Chirangi Lal
s/o Shri Rooaha Ram
r/o 752, Purani Nangal
Delhi Cantt - 10.
6. Shri Kartar
s/o Shri Mange Ram
r/o WZ 598, Gaon Narina
Post Office Naraina
New Delhi.
7. Shri Udhaybhan
s/o Shri Hakum Chand
r/o Gaon Nasirpur
P.O. Palam
New Delhi - 45.
8. Shri Raj Kumar
s/o Shri Ram Chander
r/o T-72, Purani Nangal
Delhi Cantt - 10.
9. Shri Braham Prakash
s/o Daya Ram
r/o C-18, Sagarpur East
Gali No.12
New Delhi - 46.

... Applicants

(By Advocate: Shri Surinder Singh)

Vs.

1. Union of India through
The Defence Secretary
Ministry of Defence
DHQ P.O.
New Delhi - 110 011.
2. The Officer Commandant
POL Depot (210 POL) ASC
Delhi Cantt. .. Respondents

(X)

(By Advocate: Ms. Meenu Maine)

O R D E R(Oral)

By Shanker Raju, Member (J):

The applicants, who are casual labourers and have been working with Respondent No.2 (i.e., Officer Commandant, POL Depot (210 POL PL) ASC, Delhi Cantt), have sought relief to direct Respondent No.2 to confer Temporary Status from the date from which they have completed the requisite period of 206 days in a year and also in accordance with DoPT's Scheme dated 10.9.1993. The applicants placing reliance on an OM dated 7.6.1988, it is stated that they have allowed to work only 5 days despite availability of work with artificial breaks, the respondents have not taken into consideration the weekly ~~off~~^h and that has not been counted towards the period of days as casual labour.

2. The learned counsel for the applicant placing reliance on a decision of this Court in Shakuntla Devi (Smt.) Vs. Secretary, Department of Food, Ministry of Food and Civil Supplies, (1991) 18 ATC 142(II) stated that where placing reliance on a decision of the Apex Court in H. D. Singh Vs. RBI, 1985(4) SLC 201, the principle enunciated therein had been applied by treating weekly ~~off~~^h towards computing the number of working days. Further placing reliance on a decision of this Court in OA No.243/2000 dated 16.10.2000 (Shri Vijay Mal & Others Vs. UOI & Others)

wherein the casual workers of the same unit have approached this Court and despite objections by the respondents regarding non-completion of 240 days this Court has directed them to be considered for regularisation on the basis that as per the OM of DoPT, dated 7.6.1988 the casual workers may be given one paid weekly half after six days of continues work and the applicant has been working in the same organisation it is argued that the work of casual nature have been engaged for six days.

(B)

3. The learned counsel for the respondents states that as the applicants have not completed 240 days as the respondents have engaged them to work only for 5 days a week and being a daily wagers they have no right to work for six days a week and as the applicants have not completed the requisite 240 days they are not found fit to be accorded temporary status as per the DoPT's Scheme and further regularisation.

4. Having considered the rival contentions of the parties and also perused the pleadings available on record, I am of the considered view that the ratio laid down in Shakuntla Devi's case supra, OA 243/2000 supra and the DoPT's OM dated 7.6.1988 squarely applies to the facts and circumstances of the present case, the applicants are entitled for one day weekly ~~off~~ and this period is to be computed towards number of days and if the same is computed, according to the respondents, they would be completed the requisite period of 240 days. It is not disputed that the applicants are otherwise eligible for accord of temporary status as per the DoPT's Scheme of 1993. In

this view of the matter the present OA is disposed of, at the admission stage itself, by directing the respondents to treat the applicants having completed 240 days after reckoning the weekly ~~half~~^{1/2} and to consider them for accord of temporary status and further regularisation in accordance with Scheme of DoPT of 1993, If the applicants are otherwise confirmed to the eligibility criteria. The consideration would interalia include the regularisation of the services of the applicant either in the present Unit or elsewhere where the vacancies exist keeping in view of their seniority in accordance with the rules and instructions on the subject. The above directions shall be complied with within a period of six months from the date of receipt of a copy of this order. No costs.

S. Raju

(SHANKER RAJU)
MEMBER(J)

/RAO/