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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.880/2001

Thursday, this the 13th day of September, 2001

Hon'ble Shri Shanker Raju, Member (Judl)

1. Manta Rawat D/O Sh. Parbal Singh Rawat
R/O L/537, Sewa Nagar
New Delhi-3.
2. Anjali W/O Sh. Narender Singh Negi
R/O D-4/68, Kidwai Nagar
New Delhi
3. Nadim Hussan S/O Sh. Nazir Hussain
R/O A-8/580, East Gopal Pura
New Delhi
4. Md. Nazim s/o Sh. Md. Naeem
R/O 2796, Gali Garhiya,
Kucha Chalan, Darya Ganj
New Delhi-2.
5. Deepak Nagpal S/O Sh. Rajender Kumar Nagpal
B-2/297, Sector-6, Rohini
New Delhi

..Applicants

(By Advocate: Shri U. Srivastava)

Versus

Union of India through

1. The Secretary
Ministry of Human Resource and Development
Deptt. of Culture, Shastri Bhawan
New Delhi
2. The Director General
Archiological Survey of India
Janpath, New Delhi.

.Respondents

(By Advocate: Shri S.M. Arif)

O R D E R (ORAL)

Heard the learned counsel for both the parties.

2. The issue in the present case is that the applicants having worked from 1998 till 2001 are seeking accord of temporary status. The learned counsel for the applicants stated that some times they have been engaged for skilled job and on a few occasions, they have been

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utilised for un-skilled job. In this conspectus, it is stated that as they have completed the requisite days, they should be considered for accord of temporary status and regularisation. Alternatively, it is also prayed that they are to be treated as working against group 'C' posts for which there is no regularisation under the Scheme and they may be considered for engagement on any other work of casual nature.

3. The learned counsel for the respondents by strongly rebutting the claim of the applicants stated that the services of the applicants were utilised for operation of computers installed in the office for the period when the regular staff were under training and on availability of such staff, their services have been dispensed with. It is also stated that against group 'C' post, there is no provision under the DOPT's Scheme of 10.9.1993 for accord of temporary status and regularisation and for this, they have to compete in the selection etc. as prescribed under the relevant recruitment rules. To substantiate his claim, the learned counsel for the respondents has placed reliance on a decision of this Court passed in Iaruna Mihani (Km.) Vs. The Secretary, Ministry of Human Resources, Adult Education, New Delhi & Ors., 1/2000 Swamy's News 93 (P.B. New Delhi) based on the decision of this Court in Yasoda Rani Vs. Union of India, reported as (1988) 38 ATC 231.

4. Having regard to the facts and circumstances of the present case and after hearing both the learned counsel for the parties, I am of the affirmed view that the claim of the applicants for accord of temporary status and

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regularisation under the DOPT's Scheme of 10.9.1993 is not legally tenable and is rejected as the applicants had admittedly been working as computer operators which is group 'C' post and as there is no provision for accord of temporary status to the holders of group 'C' post, the applicants have to compete by way of appearing in Staff Selection Commission. As regards the other jobs of casual nature are concerned, the respondents are maintaining the seniority list and in that event, the applicants are to be placed at the bottom of the list and in case of availability of work and after absorption of all other seniors in the list, the applicants can be considered for the same.

5.. The learned counsel for the applicants has referred to a decision of the Single Bench in OA-1458/96, decided on 26.9.1997, wherein the applicants who had been working as Motor Lorry Drivers on daily wage/hand receipt basis, were considered for regularisation. But I find that the same would not apply as the Scheme as referred to in that OA is not a DOPT Scheme of 10.9.1993 and the directions have been issued to the respondents to regularise the applicants in view of the decision of Madras Bench and was not pertaining to the scheme. As regards the decision cited in OA-797/92, decided on 3.6.1992 (M. Seeni and A. Pandian Vs. Union of India & Anr.), 623 Swamy's C.L. Digest 1993, wherein it has been held that the casual labour working on group 'C' vacancy after rendering 10 years of service should also be considered for regularisation. Their services are not covered by the Scheme of 1993 as the matter pertains to the Post and

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Telegram Department where the scheme of DOPT is not applicable. In my confirmed view, the ratio cited by the learned counsel for respondents in Taruna Mihani's case (supra) will hold the field.

6. In this view of the matter, the present OA is disposed of with a direction to the respondents to place the applicants in case they are agreeable to perform the work of casual nature at the bottom of the seniority list maintained by them and thereafter consider them for reengagement on availability of work. It is made clear that whatever services have been rendered by the applicants as group 'C' would not be reckoned with for the purpose of according temporary status and regularisation.

7. The OA is disposed of in the aforestated terms.
No costs.

S. Raju
(Shanker Raju)
Member (J)

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