

Central Administrative Tribunal
Principal Bench

O.A. 1190/99

New Delhi this the 30th day of March, 2000

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

Jitendra Kumar,
S/o Shri Hargyan Singh,
Vill: Sadhrana,
PO: Gari Harswarup,
Gurgaon.

... Applicant.

None present.

Versus

1. Union of India through
The Secretary,
Ministry of Defence,
New Delhi.
2. Chief of the Air Staff,
Air Headquarters,
New Delhi-110011.
3. Officer Commanding,
No.54, A.S.P., Air Force,
Gurgaon.

... Respondents.

None present.

O R D E R (ORAL)

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

The applicant is aggrieved that the respondents have failed to communicate any reply to his representation dated 5.8.1998 (Annexure A-1).

2. In the above representation, the applicant has stated that as he had worked with the respondents as Casual Labourer for more than 240 days w.e.f. 20.6.1997 to 31.3.1998, he should be granted temporary status. He has also stated that he is without any job and very poor. He has requested that his period of service may be regularised against any Group 'D' post.

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3. The respondents in their reply have disputed the dates of engagement and disengagement of the applicant as given by him in the aforesaid representation dated 5.8.1998. However, they have categorically stated that he had worked with them as casual labourer w.e.f. 20.6.1997 to 24.3.1998 instead of 20.6.1997 to 31.3.1998. It is seen from these facts given by the respondents themselves that there is only a difference of about seven days in the total length of service stated to have been rendered by the applicant. Apart from that, the respondents have stated that the applicant has not produced any strict proof of rendering the service of 240 days, as required under the DOP&T O.M. dated 10.9.1993. This argument of the respondents cannot be accepted because the casual labourers are in the lower strata of the society. ^{and ps} It does not behove the respondents to take such a plea to defeat their claims. In any case, it is for the respondents to maintain the records of casual labourers whom they employ which would be with them, like the Attendance Register/ Muster Roll or Acquaintance Roll, etc. They have also not denied that the applicant has worked with them from 20.6.1997 to 24.3.1998.

4. The DOP&T O.M. dated 10.9.1993 relied upon by the applicant, inter alia, refers to the grant of Temporary Status and regularisation of Casual Workers, who have been employed and have rendered continuous service of at least one year, which means that they must have been engaged for a period of at least 240 days (206 days in the case of offices observing 5 days week). In the present case, the respondents have stated that the applicant has not rendered 240 days, but have not clarified ^{ps} ~~whether they are~~ whether they are

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observing 5 days week or not, in which case the relevant period would be 206 days only. The respondents have also stated that the applicant has not approached them for the grievance raised in this O.A., that is, for grant of Temporary Status before filing this O.A. in the Tribunal and as such they have contended that the applicant has not exhausted the departmental remedy available to him. (1A)

5. In the facts and circumstances of the case, the O.A. is disposed of with a direction to the respondents to verify their records about the service rendered by the applicant as casual labourer with them. In case he fulfils the conditions laid down in the DOP&T O.M. dated 10.9.1993, they shall grant him the temporary status and other benefits as due to him under the Scheme. This shall be done within a period of two months from the date of receipt of a copy of this order with intimation to the applicant. No order as to costs.

Lakshmi Swaminathan

(Smt. Lakshmi Swaminathan)
Member(J)

'SRD'