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Central Administrative Tribunal
Principal Bench

O.A. No. 13 of 1999

New Delhi, dated this the 23rd April, 1999

Hon'ble Mr. S.R. Adige, Vice Chairman (A)

Shri Prabhudayal,
S/o Banduji Meshram,
R/o 55/6, Yusuf Sarai,
New Delhi-110016.

... Applicant

(By Advocate: Shri D.R. Gupta)

Versus

The Chief Controller of Accounts,
Dept. of Supply,
16, Akbar Road Hutments,
New Delhi-110011.

.... Respondent

(By Advocate: Shri S.M. Arif)

O R D E R

BY HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

Applicant impugns respondents' verbal orders dated 28.9.98 terminating his services and seeks reinduction and grant of temporary status and regularisation on completion of 206 days of service from the date of his appointment and regularisation with benefit of continuance of service and back wages.

2. Heard both sides.

3. Respondents have not denied applicant's assertion that he was initially engaged on 29.10.97 as a Casual Labour; the number of days put in by him during 1997 and 1998 till he was eventually disengaged in 1998 is contained in Statement 'A' which is taken on record.

4. From the perusal of Statement 'A' it is clear that the applicant had acquired temporary status in terms of OP & T's OM dated 10.9.93, on the date he was disengaged i.e. 29.8.98. It is now well settled through a catena of judgments that it is not necessary for the

6

- 2 -

casual labour to have been in service on the date of issue of those orders for grant of temporary status if he had put in the required length of service and was otherwise eligible. It is not the respondents' case that applicant was otherwise ineligible for grant of temporary status. It is clear that when the applicant's services were disengaged on 29.8.98, he had acquired temporary status and his services could have been terminated only after giving one month's notice or one month's wages ^{in lieu thereof} which was not done.

5. Under the circumstances this OA is disposed of with a direction to respondents to pay applicant one month's wages, in lieu of notice within 2 months from the date of receipt of a copy of this order. Subject to availability of work when they are considering engaging casual labour, they should consider engaging applicant in preference to junior and outsiders, and when engaged, applicant shall be a casual labour with temporary status. After engagement he ^{may} ~~will~~ work out his right to be considered for regularisation subject to availability of vacancy and in accordance with rules and instructions on the subject. No costs.

S. R. Adige
(S. R. ADIGE)
VICE CHAIRMAN (A)

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