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CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No.14 of 1999
M.A.No.6/99

New Delhi, this the 25th day of May, 1999

HON'BLE SHRI N.SAHU, MEMBER(A)

1. Mange Ram,
S/o Shri Hoshiar Singh
r/o C-98, East of Kailash,
New Delhi-110065.
2. Subah Singh,
S/o Shri Amar Singh,
r/o F-170, Sahyog Vihar,
Uttam Nagar, Matiala Gaon
New Delhi.
3. Ishwar Singh
S/o Shri Bhullan
r/o AZ/WZ-30-B, Asalatpur,
Harijan Basti, Janakpuri
New Delhi.
4. Rohtash Singh
s/o Shri Ram Prashad
r/o Vill. & P.O. Nahri
Distt. Sonipat (Haryana).

All the above applicants are working as Casual
Labourers in the office of Directorate General
of Health Services

-APPLICANTS

(By Advocate: Shri N.L.Bareja)

Versus

1. Govt. of India, through
its Secretary to the Govt. of India,
Ministry of Health & Family Welfare,
Nirman Bhawan, New Delhi.
2. The Director General, Health Services,
Directorate General of Health Services,
Nirman Bhawan, New Delhi.
3. Dy. Director, Administration (General).
Directorate General of Health Services,
Nirman Bhawan, New Delhi.

-RESPONDENTS

(By Advocate: Shri V.S.R.Krishna)

O R D E R (ORAL)

By Hon'ble Shri N.Sahu, Member(A)

Heard Shri N.L.Bareja, learned counsel for the
applicants and Shri V.S.R.Krishna, learned counsel for the
respondents.

2. Four applicants have joined together in this O.A. seeking common relief. M.A. 6/99 for joining together is allowed.

3. Prayer in this O.A. is to issue a direction to the respondents to comply with the scheme of 10.9.93 for conferring temporary status and regularisation alongwith consequential benefits.

4. The brief facts leading to the O.A. are not in dispute. In fact, in the counter, the facts stated at para 4.3 have been admitted to be correct. The applicants were engaged as casual labourers in the year 1993 and since then they are working continuously. They have completed prescribed period of 240 days many times over.

5. Learned counsel for the applicants submits that in terms of O.M. dated 10.9.93, temporary status should have been conferred on them. A copy of the letter dated 3.8.95(Annexure A-2) shows the seniority of the applicants as casual labourers and this is an official communication. Their repeated requests for conferment of temporary status were not conceded on the ground as stated in the counter.

6. According to the respondents, the applicants were engaged as casual labourers with effect from 8.1.93, 12.4.93, 22.4.93 and 19.7.93 and as such, they did not complete 206 days "on the date of issue of the scheme of Department of Personnel and Training."

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7. Learned counsel for the applicants, in his rejoinder, has brought to my notice a number of orders of the Division Bench as well as an order passed by me. Relying on CP-345/94 in O.A.346/94, it was held by me that it is not necessary for a casual labour to be in service on the date the Scheme came into operation to qualify for the grant of temporary status. Those in service after that date too who have otherwise put in the required period of continuous service would be eligible for conferment of temporary status. A decision of the Division Bench in O.A.No.1735/96 also covers this issue. That apart, the matter is no longer res-integra. Several decisions of the Tribunal have confirmed the stand that the date of notification as a cut off date is an artificial date. It should not come in the way of the rights flowing from the Scheme if a casual labourer has otherwise satisfied substantially all the other conditions for conferment of temporary status.

8. In view of the above discussion, there is absolutely no merit in the stand of the respondents. Accordingly, I direct that within four weeks from the date of receipt of a copy of this order, the respondents shall consider and issue orders of temporary status on the applicants. Thereafter, the applicants shall also be considered for regularisation in group 'D' post or into any of the vacant posts that exists since the date of their temporary status after completing 240 days. The order of temporary status should convey the conferment of the said status the day on which the prime condition of completion of 240 or 206 days as it were, stood satisfied. All consequential benefits as mentioned in the O.M. dated

10.9.93 for those persons who have been conferred temporary status shall be granted to the applicants in the same order which confers temporary status, alongwith the payments.

9. The O.A. stands disposed of as above. No costs.

N. SAHU
(N. SAHU)
MEMBER(A)

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