

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 1688/99

199

T.A. No.

10

DATE OF DECISION 3.4.2000

Smt. Tara

....Petitioner

None present.

....Advocate for the
Petitioner(s)

VERSUS

Union of India & Anr.

....Respondent

None present.

....Advocate for the
Respondents.

CORAM

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

The Hon'ble

1. To be referred to the Reporter or not Yes
2. Whether it needs to be circulated to other Benches of the Tribunal? No.

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Member(J)

Central Administrative Tribunal
Principal Bench

O. A. 1688/99

(11)

New Delhi this the 3rd day of April, 2000

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

Smt. Tara,
W/o Shri Om Prakash,
R/o Tirokpur,
H. No. 10/300, New Delhi,
working as Casual worker
under Respondent No. 2.

Applicant.

None present.

Versus

Union of India through

1. Addl. Director General,
Doordarshan, Mandi House,
New Delhi-110 001.

2. Deputy Director General,
Delhi Doordarshan Kendra,
Akashvani Bhawan,
Parliament Street,
New Delhi-110 001.

Respondents.

None present.

ORDER (ORAL)

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

The applicant has stated that she was engaged as casual worker/Safaiwala in January, 1989 but her services were terminated arbitrarily after three months. She was again re-engaged as casual worker in July, 1995 and is continuing with the respondents in that capacity till date. In the O.A., the applicant has submitted that in a number of decisions of the Tribunal, a direction has been given to the respondents to grant "Temporary Status" to other similarly situated persons like her, who have completed 240 days of service as casual labourers, irrespective of the fact that their engagement as casual worker may fall after

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1.9.1993, that is the date on which the DOP&T Scheme for regularisation of casual labourers was notified on 10.9.1993.

2. It is also noticed that Shri T.C. Aggarwal, learned counsel for the applicant, had submitted earlier that the issues raised in the present O.A. as well as O.A. 1038/99 are identical and hence, they could be heard together as seen from the Tribunal's order dated 25.10.1999. This had been recorded in the presence of the learned counsel for the respondents in both the aforesaid O.As. However, later at the request of Shri S.M. Arif, learned counsel for the respondents in the present O.A., who had sought time to time reply, the present O.A. was delinked from O.A. 1688/99. The applicant has enclosed a copy of the order of the Tribunal in O.A. 1038/99 with connected case decided on 11.1.2000 (Annexure A-5 to the rejoinder).

3. One of the main contentions taken by the respondents in their reply is that as the applicant was engaged only w.e.f. 20.6.1995, she does not fulfil the basic eligibility condition for grant of "Temporary Status", viz., 240 days in one year as on 1.9.1993, that is the date of the coming into force of the DOP&T Scheme entitled "Casual Labourer (Grant of Temporary Status) Scheme, 1993" which was published on 10.9.1993. They have submitted that the judgement of the Tribunal in O.A. 635/97 filed by Shri Jitender Prasad & Ors. has already been challenged in the Hon'ble High Court of Delhi and the

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decision is awaited. According to the respondents, the judgement referred to by the applicant is not relevant in the present matter, and the same is distinguishable as the Government has liberty to decide the cut off date for implementation of the aforesaid Scheme of 1993, which is just and proper. They have accordingly prayed that as there is no merit in the O.A., the same may be dismissed.

4. I have carefully perused the pleadings and the documents on record. From the above facts, it is seen that earlier in the presence of the learned counsel for the respondents in the present O.A. (O.A.1688/99) and O.A. 1038/99, these O.A.s were tagged together. It appears from the later order that they were delinked because the learned counsel for the respondents in this O.A. had prayed for time to file counter reply. In the meantime, the applications (O.A. 1038/99 with O.A. 767/99) have been decided by order dated 11.1.2000. In this order, the judgement of the Hon'ble Delhi High Court in CW No. 963/98 has been quoted and followed. The High Court has, *inter alia*, following an earlier judgement decided on 16.3.1998, held that "the Scheme of 10th September, 1993 was an on going Scheme and not a one time concession". These judgements of the High Court have been followed in the Tribunal's order dated 11.1.2000. After careful perusal of the pleadings in this case, it is seen that the facts and issues raised in O.A. 1038/99 and in the present case are identical. It is also seen that the respondents in O.A. 1038/99 and the present O.A. are also the same. Hence, following the order in

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O.A. 1038/99 dated 11.1.2000, this O.A. is disposed of with
the following directions:

The respondents are directed to consider the case of the applicant for grant of temporary status, subject to her fulfilment of the terms and conditions laid down in the DOP&T O.M. dated 10.9.1993 and grant her temporary status from the due date. This action shall be taken within two months from the date of receipt of a copy of this order with intimation to the applicant. Thereafter she shall also be entitled to any further benefits as provided in the Govt. of India Scheme. Parties to bear their own costs.

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Member (J)

'SRD'