

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.1983/1999

M.A.No.1936/1999

New Delhi, this 18th day of December, 2000

Hon'ble Shri Kuldip Singh, Member(J)

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1. Raghuvir Singh, s/o Shri Surat Singh
r/o Vill. Pelpa, P.O. Badli
Teh. & Distt. Jhajar (Haryana)

2. Kailash s/o Shri Ramji Lal
r/o H.No. RZ-191, Brahmpuri
Pankah Road, New Delhi

3. Laxman s/o Shri Hari Ram
r/o H.No. P-182, Old Nangal
New Delhi

4. Samuel Moon s/o Shri Rameshwar
r/o 1-B, Main Palam Road
Gali No. 12, East Sagarpur
New Delhi

5. Samunder Singh s/o Shri Amir Singh
r/o Vill. Pelpa P.O. Badli
Teh. & Distt. Jhajar (Haryana)

.. Applicants

(By Advocate: Shri S.C. Sharma)

versus

1. Union of India, through
Secretary,
Ministry of Defence
South Block, New Delhi-1

2. Director General
Army Supply Corps (ASC)
Sena Bhawan P.O. DHQ
New Delhi-11

3. Commandant
210 FOL Depot
ASC, Delhi Cantt,
New Delhi

.. Respondents

(By Advocate: Shri K.K. Patel)

ORDER(oral)

By Hon'ble Mr. Kuldip Singh, Member(J)

Applicants have filed this OA under Section 19 of the Administrative Tribunals Act, 1985 praying for regularisation of their services.

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2. Brief facts of the case, as stated by the applicants, are that they are engaged on various dates between the period from July, 1982 to August, 1985 and continue in service as such. According to the applicants they have completed the requisite number of days in continuous service and as such they are eligible for conferment of temporary status under Department of Personnel & Training (DoP&T, for short) OM dated 10.9.93. Respondents have not taken any action to regularise them. Aggrieved by this, the applicants have filed this OA seeking directions to regularise their services in view of their seniority.

3. Respondents have contested the case and in their reply stated that the applicants had worked as casual labourers in Ex 4 RPD which had been disbanded on 30.9.97 and the present unit i.e. FOL Depot, ASC, where the applicants are at present working, has moved from Ambala to Delhi Cantt. Applicants were discontinued and they were employed in this Unit as fresh casual labourers. According to the respondents, the applicants have not completed 240 days of attendance either in the previous unit or in the present unit, in which they have been employed afresh. As per the existing policy, the applicants are not eligible for the grant of temporary status.

4. Heard the learned counsel for both the contesting parties and perused the records.

5. It is an admitted fact that the applicants have been

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working ^{for same} ~~for the last 15 to 18~~ years with Respondent No.1, i.e. Ministry of Defence. Since the applicants have been working in the same organisation for the last 15 to 18 years, it is amply clear that there is work of regular nature. No doubt that Ex 4 RPD where the applicants were earlier working had been disbanded and they have now been re-engaged in FOL Depot, ASC, Delhi Cantt which is also under the control of the same organisation, i.e. Ministry of Defence. Keeping in view the aforesaid facts, the scheme of DoP&T dated 10.9.93 is applicable in their case and the applicants are entitled for the benefits provided under the same. In a similar case in OA No.213/2000 decided on 16.10.2000, the OA was allowed and the respondents were directed to consider the case of the applicants for regularisation.

6. For the reasons mentioned above and in the facts and circumstances of the case, the OA is allowed and the respondents are directed to pass an order conferring temporary status upon the applicants in accordance with Casual Labour (Grant of Temporary Status and Regularisation) Scheme, 1993. Thereafter if vacancies are available, respondents shall also consider the applicants for regularisation in the present unit, i.e. FOL Depot, ASC, Delhi Cantt. or elsewhere where vacancies exist keeping in view their seniority in accordance with the rules and instructions. These directions should be implemented within a period of four months from the date of receipt of a copy of this order. No costs.


(Kuldip Singh)
Member(J)

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