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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

OA NO. 2012/99

New Delhi, this the 21st day of August, 2000

HON'BLE MR. GOVINDAN S. TAMPI, MEMBER (A)

In the matter of:

Sanjay Dabas
S/o Sh. Dalip Singh
R/o house No.176,
Majara Dabas, Budanpur,
Delhi-81. Applicant
(By Advocate: Ms. Anu Mehta proxy for
Dr. Surat Singh)

VS.

1. Ministry of Finance through
The Secretary, Ministry of Finance,
Department of Revenue,
General Administration (R),
North Block, New Delhi.
2. Assistant Commissioner (P&V),
Central Excise Commissionerate,
C.R.Building,
I.P.Estate, New Delhi.
3. Assistant Commissioner (Admn.),
Office of the Commissioner of the
Customs (General),
New Customs House,
New Delhi-37. Respondents.
(By Advocate: Sh. R.R.Bharti)

ORDER (ORAL)

By Hon'ble Sh. Govindan S.Tampi, Member (A)

Through this application the applicant who joined the respondents' department as a casual labour, on 16.12.96, being sponsored through the Employment Exchange, seeks regularisation/temporary status as he has completed 240 days in a year. A few of similarly placed individuals have, by OA-2595/97, obtained directions from the Tribunals that they may be given temporary status. The applicants' case also had been recommended by the Assistant Commissioner on 24.3.99 but nothing has happened. This was improper as he had completed all the requisite conditions for being granted temporary

status. However, without considering his case the Department was attempting to engage fresh casual workers through the Employment Exchange. Hence, this application.

2. In the short reply filed on 14.10.99, the respondents do not deny that the applicant was employed, off and on since 16.12.96 on purely ad hoc basis and was being so engaged. His request for regularisation was not covered by the instructions in DOPT's OM dated 16.7.90, which only covers Group 'C' cadre; and not ~~to~~ those working on a casual basis in Group 'D' posts. In further reply dated 24.11.99 they point out that the relevant instructions of the DOPT vide OM No. 51016/2/90-Estt.(C) dated 10.9.93 and not otherwise. Still attempts are being made to favourably deal with the case. In the rejoinder dated 13.1.2000 the applicant expresses the apprehension that he might be disengaged from service and states the department had done nothing to initiate steps to regularise them. On their further reply dated 24.4.2000, the respondents indicate that in view of the Ministry's clarification in F.No. 12034/37/99, AO-III (B) dated 24.9.99, that only those engaged through Employment Exchange and who completed 206 days on 10.9.93, can be considered for grant of temporary status, the applicant's representation dated 23.8.99 cannot be considered.

3. Heard the learned counsel for both the parties. Ms. Anu Mehta, proxy for the counsel for the applicant indicated that the respondents were attempting to engage freshers through the Employment Exchange, after disengaging the services of the applicant, which was improper. Sh. Bharti, appearing for the respondents points out that the applicant's case was not

covered by the relevant instructions on the subject but that the Department was still prepared to take a fair and helpful decision.

4. The matter has been considered. Evidently the case is not strictly covered by the instructions of DOPT dated 10.9.93. However, as the individual has already worked for more than 240 days in the organisation as and when fresh vacancies arise, the respondents should consider his case for being engaged before any fresh candidate sponsored by the Employment Exchange is considered. The OA is disposed of with the above direction.


(GOVINDAN S. TAMPI)

Member (A)

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