

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI
OA 2152/1999

New Delhi this the 6th day of July, 2000

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

Trilok Chand
S/O Shri Sant Ram
R/O 7/367, Trilok Puri,
New Delhi.

.. Applicant

(By Advocate Dr.Surat Singh, learned
counsel through proxy counsel Ms
Annu Mehta)

Versus

- 1.Union of India
through the Secretary,
Ministry of Finance,
Govt.of India, North Block,
New Delhi.
- 2.Commissioner,
Central Excise, C.R.Building,
I.P.Estate, New Delhi.
- 3.Addl.Commissioner(P&V)
New Customs House, I.G.I.Airport,
New Delhi-37

.. Respondents

(By Advocate Shri R.R.Bharti)

O R D E R (ORAL)

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

The applicant has been working as casual labourer with the respondents alongwith certain other persons as out set/in Paragraph 8 of the OA. Ms.Annu Mehta, learned proxy counsel for the applicant submits that the applicant is similarly situated as nine applicants in OA 373/99 which was disposed of by Tribunal's order dated 21.5.1999(Ann.A.4). Shri R.R.Bharti, learned counsel for the respondents has submitted that the present applicant had also filed another application(OA 1439/98) before the Tribunal which was disposed of by order dated 5.10.1998(Annexure 1 to the counter affidavit).

2. Learned proxy counsel for the applicant has submitted that although the applicant was similarly situated as

applicants in OA 373/1999, he could not join in that OA because of financial reasons. She has pressed that in the facts and circumstances of the case, this application may be disposed of on similar lines as the Tribunal's order dated 21.5.1999 in the aforesaid case. Shri R.R.Bharti, learned counsel for the respondents does not seriously dispute the facts, including the fact that the applicant was working with the respondents like the other applicants in OA 373/99 and OA 1439/98. (12)

3. The claim of the applicant ~~is~~ for a direction to the respondents to pay him the same wages as paid to the regular employees, cannot be agreed to, as admittedly he was only ^{a/c} casual labourer and he was governed by the terms and conditions of his employment. The other main claim raised by the applicant is with regard to the regularisation of his services as casual labourer and this has to be done in terms and conditions laid down in the DOP&T OM dated 10.9.1993. It is seen from the order dated 21.5.99 in OA 373/1999 that the respondents were directed to consider and pass an order of Temporary status of the applicants in accordance with the provisions of the Scheme. Accordingly in view of the submissions made by the learned counsel for the parties, this OA is disposed of with the following directions:-

Respondents are directed to consider the case of the applicant in terms of the provisions of the DOP&T Scheme dated 10.9.93 within a period of one month from the date of receipt of a copy of this order for grant of Temporary status and other benefits under the Scheme. No order as to costs.

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