

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 2158/99

199

T.A. No.

(8)

DATE OF DECISION 9-2-2000

Sh. Jagbir Singh & Ors

....Petitioners

Sh. H. C. Sharma

....Advocate for the
Petitioner(s)

VERSUS

None

....Respondent

....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.2158/99

New Delhi this the 9th day of Feb, 2000

Hon'ble Smt. Lakshmi Swaminathan, Member (J). 9

1. Anup s/o Jai Parkash
D-745, Netaji Nagar
New Delhi
2. Rambir s/o Zile Singh
H.No.700 V&PO Bawana
Delhi
3. K.R. Krishna
s/o Raman
21/92 Lodhi Colony
New Delhi.
4. Vishesh Kumar
s/o Sant Ram
203/ Sec. II, R.K.Puram
New Delhi
5. Jagbir Singh
s/o Hari Ram
V&PO EssarHeri
Dist.Jhajhar
6. Narinder Kumar
E-77 Aram Bagh
New Delhi.
7. Michu Ram
s/o Shobha Ram
At Post Office Palam
Colony, New Delhi
8. Vikram Singh
s/o Rajesh
8/22-23 Kicheripur
Delhi.
9. Papulal
At Post Office
Palam Colony, New Delhi.

... Applicants.

By Advocate Shri H.C. Sharma.

1. Union of India
through Secretary
Govt. of India
Ministry of Rural Development
Dept. of Rural Development
Krishi Bhawan,
New Delhi.

2. Joint Secretary(
Govt. of India
Ministry of Rural Development
Dept. of Rural Development
Krishi Bhawan,
New Delhi.

... Respondents.

None present.

ORDER (Oral)

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

The main claim of the applicants in this case is that they have been working with the respondents without any break from various dates as claimed by them which has been admitted by the respondents as a matter of record. From the reply, it is further noticed that as per the records maintained by the respondents, the nine applicants have joined service as casual labourers/daily wagers from various dates between 1994-1996. The applicants have claimed that taking into account their service with the respondents, they may be granted temporary status with consequential benefits in terms of the DOP&T O.M. dated 10.9.1993. This Scheme came into force w.e.f. 1.9.1993 and has laid down the terms and conditions for grant of temporary status and regularisation of casual labourers. It is seen from the reply filed by the respondents that they have contended that the DOP&T O.M. dated 10.9.1993 is a one time measure applicable in respect of daily wagers who have completed the requisite number of years upto September, 1993. According to them, since the applicants have been recruited later, after the issuance of the DOP&T O.M. on 10.9.1993, the same is not applicable to their cases.

2. The above contention of the respondents is liable to be rejected as it has been held in a catena of judgements of the Hon'ble Supreme Court and this Tribunal that the Scheme is not so restricted (See Ashok Kumar Gupta Vs. Union of India & Ors. (1999(3) ATJ578)). In any case, the DOP&T O.M. clearly states in Para 2 that the Scheme will come into

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force w.e.f. 1.9.1993 and it is not denied by the respondents that the applicants have been engaged as casual labourers thereafter from 1994 onwards. Therefore, whichever way the claims are looked at, the contention of the respondents that the Scheme is not applicable to the applicants is without any basis and is accordingly rejected. Shri H.C. Sharma, learned counsel has submitted that he is not pressing the relief made in Para 8(a) because in furtherance to the Tribunal's order dated 5.10.1999, the respondents have maintained the status quo, that is, have continued the applicants in service.

3. In the result, for the reasons given above, the O.A. succeeds and is allowed with the following directions:

- (1) Respondents to consider the cases of the applicants for grant of temporary status with consequential benefits according to the terms and conditions laid down in the DOP&T Scheme dated 10.9.1993. Necessary action in this regard shall be taken within a period of two months from the date of receipt of a copy of this order with intimation to the applicant.

- (2) In case the services of the applicants are required, the respondents shall continue with their

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services in preference to juniors and outsiders, subject to fulfilment of other terms and conditions and availability of work.

No order as to costs.

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

SRD