

35

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 2328/99

New Delhi, this the 29th day of October, 2001

HON'BLE SH. SHANKER RAJU, MEMBER (J)

In the matter of:

1. Kamla
aged about 45 years,
widow of late Sh. Ratan Lal,
R/o H.No.305, Gali No.2,
Hari Nagar Ashram,
Tokriwala Mohalla,
New Delhi-110014.
2. Smt. Kishan Devi,
widow of late Sh. Lakhi Ram,
R/o H.No.218, Gali No.2,
Hari Nagar Ashram,
Tokriwala Mohalla,
New Delhi-110014.
3. Smt. Laxmi,
aged about 40 years,
W/o Sh. Mohan Lal,
R/o H.No.21, Sunlight Colony,
Hari Nagar Ashram,
New Delhi-110014.

(By Advocate: Sh. U.Srivastava)

...Applicants.

Versus

1. Govt. of India,
through the Secretary,
Deptt. of Culture,
Ministry of Human Resources,
Shastri Bhawan,
New Delhi.
2. Director General,
Archaeological Survey of India,
Janpath,
New Delhi.
3. Superintendent,
A.S.I.,
Delhi Circle,
Safdarjung Tomb,
New Delhi.

(By Advocate: Sh. Rajiv Bansal)

...Respondents.

O R D E R (ORAL)

By Sh. Shanker Raju, Member (J)

MA-2347/99 for joining together is allowed.

2. This OA has been filed by the applicants seeking regularisation on the ground that they had worked with the respondents for 240 days in a year which entitled them for a temporary status and regularisation as per the DOPT Scheme of 1993. By an order dated 16.10.2001, respondents have been directed to produce the relevant records to show whether the applicants have worked for 240 days in any year or not. On perusal of the official record it transpired that none of the applicants have completed 240 days in a year as casual worker to entitle them for according of temporary status and for further regularisation. Applicant No.1 Smt. Kamla had worked during 1986 for 49 days, during 1994 for 46 days and during 1998 for 38 days. Smt. Kishan Devi has worked for 26 days in 1985, 56 days in 1986, 26 days in 1987, 35 days in 199 and 90 days in 1998. In respect of Smt. Laxmi it is stated that she had never worked with the respondents. Learned counsel for the applicant having regard to the official record contended that they had been working on daily wages with the respondents since 1978 and drawing my attention to a list of casual workers putting minimum days in ASI Delhi Circle that though the name of the applicant figured therein but against the column number of days worked the days have not been mentioned. In this view of the matter it is contended that the applicant though continuing with the respondents and worked since 1978 have completed 240 days and are entitled for accord of temporary status and regularisation.

3. The respondents in their reply vehemently rebutting the contention of the applicant stating that though the applicants have been working since 1978 but in none of the year they have completed 240 days which entitles them for accord of temporary status. While referring to the Annexure P3 and P4, it is contended that these are lists of casual workers who had

completed minimum requisite days, i.e., 240 days and those who had completed the 240 days, number of days have been specified against their names. Learned counsel for the applicant in his rejoinder has failed to produce any evidence to show that since now long the applicants has been working as casual workers and had completed in any of the year 240 days which entitle them for accord of temporary status. However, counsel for the respondents clearly stated that in the event there is an availability of work of casual nature they will consider the claim of the applicants for engagement in accordance with the instructions.

4. Having regard to the rival contention of the parties and perusal of the material on record as well as the record produced by the respondents I am of the confirmed view that the applicants have not worked for 240 days in any of the year they had worked as casual workers, as such they are not entitled for temporary status as per the DOPT Scheme of 1993 in which a casual worker or a daily wager has to complete 240 days in a year having 6 days working. The claim of the applicant on this ground is liable to be rejected for grant of temporary status and further regularisation. However, as regards the engagement of the applicant is concerned, in the event the respondents have work of a casual nature they shall consider the applicants for their engagement as casual worker as per the extant rules and instructions. Although availability of work has not been disputed but it is contended that applicants on their own accord had left their work. With this observation the OA is disposed of. No costs.

S. Raju

(SHANKER RAJU)
Member (J)

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