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Central Administrative Tribunal  
Principal Bench

O.A. 314/99

New Delhi this the 26th day of August, 1999

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

Udai Paswan,  
S/o Shri Akal Paswan,  
R/o P.615, Sewa Nagar,  
New Delhi-110 003.

Applicant.

By Advocate Shri M.K. Bhardwaj.

Versus

Union of India through

1. The Secretary,  
Ministry of Industry,  
Govt. of India,  
Udyog Bhawan, Maulana Azad Road,  
New Delhi-110 011.
2. The Development Commissioner,  
Office of the Development Commissioner,  
Small Scale Industries,  
Ministry of Industry, Govt. of India,  
Nirman Bhawan, South Wing 7th Floor,  
Maulana Azad Road,  
New Delhi-110011.
3. The Deputy Director,  
Office of the Development Commissioner,  
Govt. of India, Ministry of Industry,  
Nirman Bhawan (South Wing), 7th Floor,  
Maulana Azad Road,  
New Delhi-110011.

... Respondents.

By Advocate Shri V.S.R. Krishna.

O R D E R (Oral)

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

The prayer in this O.A. is that a direction may be given to the respondents to reinstate the applicant as casual labourer in preference to the freshers and juniors and to regularise him as Group 'D' employee.

2. Admittedly, the applicant had worked as casual labourer with the respondents upto 30.10.1998 in different spells as per the Annexure-I of the counter reply. Learned

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counsel for the applicant on the other hand submits that adding up these different spells of work of the applicant will bring him a total of 240 days i.e. the number of days prescribed in the DOP&T O.M. dated 10.9.1993. Learned counsel, therefore, submits that the respondents ought to take further action to grant temporary status and other benefits as provided in the DOP&T O.M., taking into account the facts and circumstances of the case.

3. In the above facts and circumstances of the case, the O.A. is disposed of with a direction to the respondents to reengage the applicant in the same capacity as he had worked earlier, provided there is work, and in preference to freshers and outsiders. The respondents to further consider the case of the applicant, taking into account the number of days he has put in, for grant of temporary status and other benefits <sup>as</sup> provided in the O.M. dated 10.9.1993 and the relevant rules. No order as to costs.

Lakshmi Swaminathan

(Smt. Lakshmi Swaminathan)  
Member(J)

'SRD'