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CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No. 373 of 1999
M.A. 384/99

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New Delhi, this the 21st day of May, 1999

HON'BLE SHRI N. SAHU, MEMBER(A)

1. Jai Prakash
S/o Shri Kalu Ram
R/o H.No. 48/581,
Best Gokalpuri,
Loni Road, Shahdara,
Delhi-94.
2. Rantej Singh,
S/o Shri Late Puran Singh
E-390, Gali No. 15,
Shahdara Gali, Ashok Nagar,
Delhi-110093.
3. Devender Kumar
S/o Shri Rajendra Prasad,
H.No. 34, V.P.O. Hoshambi Kalan
Delhi-110082
4. Anil Kumar
S/o Shri Ram Singh
122/2, Meer Dard Lane,
L.N.J.P. Hospital
New Delhi-110002.
5. Parvesh Kumar
S/o Shri Prem Singh
WZ-522, Nangal Rai,
New Delhi-46.
6. Rupesh Kumar
S/o Shri Babu Lal,
Nagal Dairy, New Delhi-37.
7. Rajesh Kumar,
S/o Shri Prabhati Lal,
H.No. 270, V. & P.O. Kakraula,
New Delhi-43.
8. Om Prakash,
S/o Shri Sub Ram
H.No. 269, V. & P.O. Kakraula
New Delhi-43.
9. Nand Kishore
S/o Shri Bharosa Bota,
R/o WZ-522, Nangal Rai,
New Delhi-46.

-APPLICANTS

(By Advocate: Shri V.S.R. Krishna)



Versus

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1. Union of India through
Secretary,
Department of Revenue
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)

By Hon'ble Shri N. Sahu, Member (A)

Heard Shri V.S.R., Krishna, learned counsel for the applicants and Shri R.R. Bharti, learned counsel for the respondents.

2. Nine applicants have joined together in this O.A. seeking common relief. M.A. 384/99 for joining together is allowed.

3. The prayer in this O.A. is to direct the respondents to grant temporary status and regularisation in respect of the applicants who have completed more than 206 days in one year in terms of the scheme dated 10.9.93 of the Government, with consequential benefits.

4. Shri Bharti, learned counsel for the respondents vehemently argued that the matter stands already decided by the Tribunal vide order dated 5.10.98 in OA-1439/98 and there is nothing more to be decided and the fresh O.A. now filed is hit by resjudicata.

5. Shri Krishna, learned counsel for the applicants briefly pointed out that the Hon'ble High Court of Delhi in its order dated 11.11.98 gave the applicants liberty to approach the Tribunal if there was any problem regarding implementation of the directions relating to temporary status. Taking advantage of this liberty conferred by the High Court, the applicants have moved this Tribunal by this O.A. In the O.A., the applicants state that they have rendered more than the requisite period essential for grant of temporary status and regularisation and a statement to this effect has been appended at annexure A-2 (page 18). The number of days put in by all the nine applicants have been tabled in the last column. All the applicants worked for more than 206 days.

6. At this stage, Shri Bharti points out that some days were logged by the labourers under the stay orders of this court. Even so, when they have worked under the directions of the court, the factum of work does not in any way lose its significance because of the work performed by them under the directions of court. He further points out that the aggregate number of days put in at Annexure A-2 is the working position as pointed out by the applicants. He states that it should be left to the respondents to calculate afresh the number of days put in by them. It is however important to record that intermittent short breaks do not disentitle the casual labourers for aggregation of the number of days put in.

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7.. Since Annexure A-2 has not been challenged by the respondents, I direct respondent no.2 to consider passing an order of temporary status on the applicants in accordance with the provisions of the Scheme within a period of three weeks from the date of receipt of a copy of this order and remit to the applicants the benefits by way of additional pay and allowances on account of conferment of temporary status. Even so, the respondents may re-verify their claim in accordance with the scheme. No costs.

N. Sahu
(N. SAHU)
MEMBER(A)

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