

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

OA 484/99

New Delhi this the 23rd day of March, 2000

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

Sh.Jagbir Singh
son of Shri Kishen Swaroop
R/O H. 3 A, Laxmi Nagar
Opp.Vijya Chowk,
Delhi-92.

.. Applicant

(By Advocate Sh.H.C.Sharma, learned
counsel through proxy counsel Sh.
T.C.Aggarwal)

Versus

1.UOI through Secretary
Ministry of Food Processing and
Distribution, Krishi Bhawan,
New Delhi.

2.Director,
Indian Grain Storage Management
and Research Institute, P.B.No 10,
Meerut Road, Hapur(UP) 245101.

.. Respondents

(By Advocate Sh.Rajinder Nischal,
learned counsel through proxy counsel
Ms.Sumedha Sharma)

O R D E R (ORAL)

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

The applicant is aggrieved by the inaction of the respondents in not reinducting him as casual labourer in which capacity he was working previously in preference to outsiders and juniors.

2. Admittedly, the facts of the case are that the applicant was engaged as casual labourer on daily wages for a short spell, depending on the need for work by the respondents for 700 days between 2.11.1992 to 8.8.1997. He was disengaged as casual labourer w.e.f. 8.8.97 by a verbal order and according to him, without any notice. Applicant has submitted that he had completed the minimum length of service for grant of temporary status as per the DOP&T Scheme issued by the OM dated 10.9.93. The applicant has also submitted that persons with lesser length of service are still continuing with the respondents while he

has been unfairly disengaged.

3. Admittedly, the applicant had approached the High Court of Allahabad in Writ Petition No.13557 of 1998 which was disposed of by order dated 21.4.1998 (page 11 of the paper book). In that order, the High Court has held that the petitioner acquires no right to continue or to be treated in service as regular government employee and accordingly the WP was dismissed.

4. The respondents have taken a preliminary objection that the present application is not maintainable in the Tribunal at Principal Bench, New Delhi, as the applicant was working at Hapur in the State of UP which comes within the jurisdiction of the Allahabad Bench. However, as admittedly, the applicant has been terminated from service and has stated that he is now residing at Delhi, under Rule 16(2) of the CAT(Procedure) Rules, the objection raised by respondents cannot be accepted.

5. Another preliminary objection taken by the respondents is that the OA is barred by limitation. Taking into account the order of the Allahabad High Court dated 21.4.98 and the facts and circumstances of the case, the OA having been filed on 26.2.99, the bar of limitation is also rejected.

6. The main relief prayed for by the applicant is for reinducting him as casual labourer in preference to juniors and outsiders and to give him temporary status in accordance with the relevant DOP&T Scheme dated 10.9.93, taking into account his previous service as casual labourer from 2.11.92 to 8.8.97. From the reply filed by the respondents, it appears that they have not considered the applicant's claim for re-engagement and for grant of temporary status which they ought to have done in terms of the relevant DOP&T Scheme dated 10.9.93. They have no-where stated that this Scheme is also not applicable to the service of casual labourers working with them.

7. In view of the above, the OA succeeds and is allowed to the following directions:-


(i) In case the respondents have work of casual nature

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available with them, they shall consider re-engaging the applicant in accordance with the relevant rules and instructions, taking into account his past service as casual labourer from 2.11.92 to 8.8.97, in preference to juniors and outsiders.

(ii) The respondents shall also consider his case in terms and conditions of the DOP&T Scheme dated 10.9.93 and grant the benefits due to him under the Scheme, including grant of temporary status. This action shall be taken within two months from the date of receipt of a copy of this order.

No order as to costs.


(Smt. Lakshmi Swaminathan)
Member (J)

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