

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

(7)

OA 794/99

New Delhi this the 27th day of August, 1999

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

In the matter of

1. Bhagwat Singh

2. Govind Ram

3. Devendar Kumar

4. Vir Singh

5. Diwan Singh

6. Bhuvan Chand

7. Ajay Kumar Singh

8. Prem Singh Kamlesh (X)

9. Parveen Singh

10. Lala Ram

11. Dinesh Kumar-I

12. Shyam Singh

13. Chote Lal

14. Dinesh Kumar-II

(All C/O 25, Mohammadpur Colony,
R.K. Puram, N/Delhi-66.)

Applicants

(By Advocate Dr. Sunit Singh with Shri Sunil Kumar)

Versus

1. Union of India through
The Secretary, Ministry of Finance,
Department of Revenue,
General Administration (R),
North Block, New Delhi.

2. Deputy Secretary, Ministry of Finance,
Department of Revenue,
General Administration (Revn.),
North Block, New Delhi.

Respondents

(By Advocate Shri Madhav Panikar)

O R D E R (ORAL)

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

The applicants in the present OA are aggrieved by the non-action of the respondents in not granting them temporary status and thereafter regularisation in accordance with the DOP&T O.M. dated 19.9.93 and relevant rules /instructions on the subject.

(X) Corrected vide Contd
order 18-1-2000 by
21/1/2000

2. According to the applicants, who are fourteen in numbers, they had worked for more than 240 days' service as casual labourers on daily wages and their work has also been satisfactory and there has been no complaints from the respondents. In the circumstances, Dr. Surat Singh, learned counsel for the applicants has submitted that there is no reason why the respondents should not consider the case of the applicants for granting them temporary status in accordance with the relevant rules and DOP&T OM dated 10.9.93. He submits that the applicants have received wages as daily rated employees but seeks pay of the Group 'D' employees on their regularisation in that post. He further submits that on grant of temporary status, the respondents should also be directed to give consequential benefits flowing therefrom. Learned counsel also submits that according to the information available with the applicants, the respondents have some vacant posts against which the applicants could have been considered for regularisation after granting them temporary status. He relies on the observations of the Hon'ble Supreme Court in State of Haryana Vs. Piyara Singh (1992(3)SLJ 34 in which it has been stated that in case casual labourers/daily rated employees have continued in service for a long number of years, there will be a presumption that there are regular posts existing against which ^{18.} ~~they applicants~~ are working.

3. Shri Madhav Panikar, learned counsel for the respondents has controverted the above facts. He has submitted that the respondents do not have any vacant posts. However, he submits that the respondents will consider the case of the applicants in accordance with the rules, including DOP&T O.M. for granting temporary status if the applicants are otherwise qualified. He also relies on the judgement of the Hon'ble Supreme Court in State of UP and Others Vs. Ajay Kumar (1997(4)SCC 88), wherein it has been held that daily wages employees do not have a right for regularisation.

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4. After consideration of the pleadings and the submissions made by the learned counsel for the parties, the OA is disposed of with the following directions:-

(a) Respondents to take necessary steps to consider the case of the applicants in terms of the DOP&T OM dated 10.9.93 and other relevant Rules/instructions on the subject for granting temporary status to the applicants, subject to their fulfilling the eligibility conditions. On grant of temporary status they will be entitled to the benefits as provided under the rules.

(b) Respondents are directed to clarify the position regarding the vacant posts and if any of the applicants are qualified, they will be considered for appointment as Peons in accordance with the Rules and instructions.

(c) In the facts and circumstances of the case, the respondents shall not dispense with the services of the applicants, provided there is work, and also not replace ~~them~~ by freshers and outsiders.

at (a) and (B)

The above action shall be completed within three months from the date of receipt of a copy of this order. No order as to costs.

Lakshmi Swaminathan

(Smt. Lakshmi Swaminathan)

Member (J)

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