

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A. No. 926/1999
M.A. No. 125/1999
M.A. No. 868/1999
M.A. No. 943/2000

New Delhi, this 13th day of October, 2000

Hon'ble Mr. M.P. Singh, Member(A)

1. Sh. Girish
S/o, Sh. Prabhati Ram,
R/o WZ/235A Gali No.1,
Virender Nagar, Delhi.
2. Sh. Naresh Negi
Employed as casual labourer in
Sarvodya Vidhyala,
Gandhi Nagar, Delhi.

.... Applicants

(By Advocate: Sh. D.R. Gupta)

Versus

Union of India through

1. Chief Secretary
Govt. of NCT of Delhi,
Sham Nath Marg, Delhi.
2. Director of Education,
Old Sectt., Alipur Road,
Delhi.
3. Dy. Director of Education(Sports)
Chattarsal Stadium,
Model Town, Delhi.

.... Respondents

(By Advocate: Sh. Ram Kanwar)

ORDER (ORAL)

The applicants have filed this O.A. under section 19 of the administrative Tribunals Act, 1985 for grant of temporary status and further regularisation.

2. Brief facts of the case are that applicants were initially appointed as casual labourers in the office of R-3, w.e.f. 13.5.1996 and 1.6.1996 respectively. Their term has been extended from time to time and they are



continuing in that capacity till date. The applicants have completed more than 240 days of continuous service and have thus become eligible both for the grant of temporary status in terms of the scheme formulated by the Deptt. of Personnel and Training (DoP&T, for short) vide their Office Memorandum dated 10.9.1993 and have also become eligible for regularisation against Group 'D' Posts. R-3 has not so far initiated any action to consider the applicants for regularisation against Group 'D' Posts. Aggrieved by this, they have filed this OA for directions to the respondents to consider the applicants for grant of temporary status and regularisation against Group 'D' Posts, in accordance with the scheme dated 10.9.1993 by taking the Directorate of Education and its offices as single Unit with all consequential benefits.

3. The respondents have contested the case and have stated that Department of Education (DoE, for short) is a single unit under which sports branch works. As no regular posts is vacant and as such applicants cannot be considered for regularisation. They have also stated that the services of all such part time workers who have been appointed by the duly constituted Staff Selection Board on their names having been sponsored by Employment Exchange against a sanctioned part time posts are regularised by them. These part time workers are regularised subject to the availability of vacancies strictly in order of their date of engagement, but this policy is not applicable to Daily Wagers. Accordingly the applicants can be considered only when posts of



(3)

similar nature are vacant and available in the sports branch. At present no such post is available.

4. Heard both the learned counsel of rival contesting parties and perused the records.

5. The main contention of the applicants is that the grant of temporary status confers on them several advantages, Learned counsel submitted that even the persons junior to the applicants have been granted temporary status. He cited the decision of this Tribunal in case of Sh. Veerpal Singh & Ors. V/s Union of India & others reported in ATJ 1996 (2) 128. That was a case wherein casual labourers were terminated from services on the ground that they did not complete 206 days in a calendar year, but the admitted fact was that they completed this stipulated period in a span of 12 months. The Tribunal set aside the termination order and directed the respondents to take them back within a period of one month from the date of receipt of the copy of the order. There was also a direction for grant of temporary status. A similar view was taken in the case of Sh. Brij Lal Belwal & others V/s UOI AISLJ Vol. XII 1997 (3) page 574. The interpretation given in that order was that the scheme does not provide for 206 days in continued service in a year. It is enough if the aggregate service is 206 days, with occasional breaks. In the present case, the applicants have completed 206 days and are thus eligible for grant of temporary status.




25

(4)

6. In view of the above facts and circumstances of the case, the following directions are given:-

- (i) Respondents shall, within four weeks from the date of receipt of a copy of this order, take back the applicants in service in case their services have been terminated.
- (ii) Thereafter, within a period of four weeks, the respondents shall pass an order on the question of temporary status considering the criteria laid down by the Min. of Personnel in the Office Memorandum cited in Para 3 above as also the interpretation given by the Tribunal.
- (iii) After the, conferment of temporary status and taking the applicants into work, the respondents may review the situation to satisfy themselves whether work is available on hand. If work is not available on hand, they should give notice of termination of one month as contemplated in the scheme. But as and when work is available, the applicants shall get priority over juniors & outsiders. Thereafter, if the applicants are found to be eligible for grant of regularisation, the same will be done in their turn.

7. No costs.


(M.P. Singh)

Member(A)

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