

Central Administrative Tribunal
Principal Bench

O.A.No.96/99
M.A.No.99/99

Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this the 7th day of May, 1999

1. Ved Prakash s/o Shri Harbans Lal
2. Kundan s/o Shri Chander Ram
3. Pancham Singh s/o Shri Itwari
4. Ashok Kumar s/o Shri Shyam Lal
5. Raj Kumar s/o Shri Kishan
6. Anil Kumar Kanaujia s/o Shri Jaggu Lal
7. Nareesh Kumar s/o Shri Munshi Ram
8. Mahender Kumar s/o Shri Hanuman
9. Surender Singh s/o Darbad Singh
10. Rajender Pal s/o Nanak Singh
11. Rattan Kumar s/o Shri Khazan Singh
12. Suresh Kumar s/o Shri Daryar Singh
13. Surinder Kumar s/o Shri Hazari Lal
14. Anurish Kumar s/o Shri R.D>Mishra
15. Tapas Chakraborty s/o Shri R.N.Chakraborty
16. Kansi Prasad Pandey s/o Shri K.N.Pandey
17. Sanjay Kumar s/o Shri Ram Chander
18. Raj Kumar Prasad s/o Shri Jagga Prasad
19. Kuldeep Kumar s/o Shri Prabhu Dayal
20. Pramod Kumar s/o Shri Mathura Prasad Verma
21. Raj Kumar s/o Shri Satish Chander
22. Biju Singh s/o Shri Pratap Singh
23. Satish Kumar s/o Shri Balbir Singh
24. Sunil Kumar s/o Shri R.C.Bhardwaj
25. Raj Kumar s/o Shri Sukh Ram
26. Shiv Singh s/o Shri Narain Singh
27. Chander Dev Ram s/o Shri Jaga Ram
28. Chander Singh s/o Shri Budhi Singh

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20. Raj Kumar Khandare s/o Shri Sadhashiv Khandare
21. Joginder Ram s/o Shri Diwani Ram Arya
22. Asha Ram s/o Shri Ram Abhilekh
23. Rakesh Kumar s/o Shri Om Prakash
24. Achok Kumar s/o Shri Bhupal Singh
25. Sanjay Rawat s/o Shri J.S.Rawat
26. Mohd. Anees s/o Shri Laloori Khan
27. Arbind Kumar s/o Shri Ram Iqbal Singh
28. Vijender Kumar s/o Sh. Ram Bir
29. Rajender Prasad s/o Shri Gundu Ram
30. Rakesh Kumar s/o Shri Chander Ram
31. Ram Prasad s/o Shri Jamunna Ram ... Applicants

Residential Address of the applicants

are at page No.41 of the OA.

(By Shri A.K.Bhardwaj, proxy of Shri M.K.Bhardwaj,
Advocate)

Vs.

Union of India through
1.The Secretary
Ministry of Home Affairs
(Govt. of India)
North Block
New Delhi - 110 001.

2.The Joint Secretary
Government of India
Ministry of Home Affairs
North Block
New Delhi - 110 001.

3.The Under Secretary
Government of India
Ministry of Home Affairs
North Block
New Delhi.

... Respondents

(By Shri D.S.Jagotra, Advocate)

O R D E R (Oral)

The applicants, forty in number, claim that they have been working as Casual Labour with the respondents for the last four to five years. They submit that they had made repeated representations to the respondents

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requesting them to grant temporary status and regularisation in terms of the DoPT's instructions contained in OM dated 10.9.1993, Annexure-A7 but to no avail. They have therefore come before the Tribunal seeking direction to the respondents to grant them the benefit of the aforesaid OM dated 10.9.1993. The respondents in reply they have not denied that the applicants have put in the periods of the engagement as claimed by them. They however state that the applicants are not entitled to the benefit of the Scheme since they were not in engagement on the crucial date of issue of OM dated 10.9.1993.

2. I have heard the counsel. That those who were engaged after the date of issue of the OM are also entitled to the benefit of the Scheme has already been settled and decided by the Tribunal in various OAs including Kiran Kishore and Others Vs. Union of India & Others, OA No.1696/95 (Annexure-A8). In that OA it was held by the Tribunal that even those who were engaged after the date of issue of the OM but have put in the requisite continuous engagement of 240 days, in a period of one year, are entitled to the benefit of that Scheme. In accordance with the aforesaid decisions of this Tribunal, the applicants herein are also entitled to the same relief irrespective of whether they were in engagement of the respondents on 10.9.1993 or not.

3. The OA is therefore allowed. The respondents are directed to consider the applicants for grant of temporary status and regularisation in terms of the

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Scheme formulated, by them vide OM dated 10.9.1993. This is to be done within the period of three months from the date of receipt of a certified copy of this order.

R. K. Ahooja
(R.K. Ahooja)
Member (A)

/rao/