

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI.

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OA 1001/1999

New Delhi this the 9th day of May, 2000

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

1. Anil Kumar S/O Sh. Bishan Chand
2. Naresh Kumar S/O Sh. Ram Baj
3. Biwani Prasad S/O Shri Mool Chand
4. Attar Singh S/O Sh. Darya Singh
5. Umesh Kumar Gaur S/O Mool Chand
6. Pawan Kumar S/O Shri Ram Kumar
7. Mukesh S/O Kishan Lal
8. Prem Singh S/O Sh. Surat Singh
9. Sajeet Kamti S/O Sh. Katar Kamti
10. Rajeev Kumar Singh S/O Sh. Krishan Pal Singh

(All C/O 96 C/2, Mehrauli, N/Delhi-3)

.. Applicants

(By Advocate Dr. Surat Singh, learned counsel through proxy counsel Shri Pradeep 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 (Dept. of Revenue), General Administration(Revn.), North Block, New Delhi.

.. Respondents

(By Advocate Sh. Madhav Panikar, learned counsel through proxy counsel Shri A.K. Bhardwaj )

O R D E R (ORAL)

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

The applicants who are working as casual labourers with the respondents have claimed that they fulfil the terms and conditions as laid down in DOP&T Scheme dated 10.9.93. They have stated that the respondents are not granting them the benefits due to them under the Scheme by way of regularisation of their services.

2. The applicants state that they have been employed as casual labourers since 1996 with intermittent breaks. According to them, they have completed more than 240 days of service as

prescribed in the aforesaid Scheme. Shri Pradeep Kumar, learned proxy counsel for the applicants has submitted that the applicants should, therefore, be granted benefits due to them as provided in the Scheme which has, however, not been done. He has also submitted that since they did not get any reply to the representation made by them to the respondents on 23.4.99, OA was filed.

3. The respondents in their reply have submitted that the applicants did not fulfil the criteria prescribed by the DOP&T Scheme dated 10.9.93 for granting <sup>12</sup> of 'Temporary Status'. Their main ground is that the Scheme was applicable only to those casual labourers who had been working prior to or on the date of issue of the said OM and had rendered service of 240 days or 206 in a year, as the case may be. They have also submitted that the applicants were not appointed against any regular vacancies and hence they cannot <sup>be 12</sup> granted any 'Temporary Status' or other benefits in the Scheme.

4. Shri Pradeep Kumar, learned proxy counsel has relied on the order of the Tribunal in Raj Kumar and Ors Vs. UOI & Ors (OA 1699/98) which was disposed of by order dated 23.11.98 in which the objections taken by the respondents mentioned above have not been accepted, namely, that DOP&T Scheme will not be applicable to those casual labourers who have been engaged after 10.9.93 (Copy placed on record).

5. It is seen that within three days after submitting the representation to the respondents on 23.4.99, the applicants have filed OA on 29.4.99, without giving any reasonable time to the respondents to consider the same. Further, apart from the objections raised by the respondents in their reply, they have not categorically stated whether the applicants are otherwise eligible/in terms of the conditions laid down in the DOP&T Scheme dated 10.9.93.

5. In view of the above facts and circumstances of the case, the respondents are directed to consider the representation

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submitted by the applicants dated 23.4.99 along with the grounds taken in this OA and pass a reasoned and speaking order, keeping in view the aforesaid observations as well as the relevant rules and instructions on the subject. Necessary action in this regard shall be taken within two months from the date of receipt of a copy of this order with intimation to the applicants. No order as to costs.

Lakshmi Swaminathan  
(Smt. Lakshmi Swaminathan)  
Member (J)

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