

Central Administrative Tribunal
Principal Bench

11
New Delhi, dated this the 8 January, 1999

HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A)

O.A. No. 808 of 1998

S/Shri

1. R.K. Kashyap,
S/o Shri Satyapal
R/o House No. B-39, Malikpur,
Near Model Town-I,
New Delhi-110009.
2. S.K. Sharma,
S/o Shri O.P. Sharma,
R/o H-23/23D, Jai Prakash Nagar,
Gonda, Shahdara,
Delhi-110053. Applicants

Versus

1. Govt. of National Capital Territory
of India through
its Chief Secretary,
5, Shyam Nath Marg,
Delhi-110054.
2. Govt. of NCT of Delhi,
O/o the Chief Electoral Officer,
Old St. Stephen College Building,
Kashmere Gate,
Delhi-110006. Respondents

* ✓ O.A. No. 1083 of 1998

Shri Gopal,
S/o Shri Ram Parsad,
R/o House No. 102, Pkt-D6,
L.I.G., Flats, Sector-6,
Rohini,
Delhi-110085. Applicant

Versus

1. Government of NCT of Delhi,
through its Chief Secretary,
2. Govt. of NCT of Delhi,
O/o of the Chief Electoral Officer,
Old St. Stephen College Building,
Kashmere Gate,
Delhi-110006. Respondents

By Advocates: Shri Ashok Aggarwal for
for applicants
Shri Rajinder Pandita for
respondents

ORDER

(R)

BY HON'BLE MR. S. R. ADIGE, VICE CHAIRMAN (A)

Applicants impugn respondents' verbal orders terminating their services with effect from 5.3.98, and seek reinstatement with full back wages and continuity in service with other consequential benefits and consideration for regularisation against Class IV vacancies.

2. Heard both sides.

3. Admittedly applicants were engaged as casual labourers on daily wages. Respondents have not denied in reply, the specific averment made by applicants in Para 4(D) of the O.A.; that the applicants had put in 247 days and 245 days respectively of continuous service with respondents as daily wage casual labourers, as on 5.3.98. It is now well settled in a catena of judgments that the one year of continuous service (which means that the casual labourers must have been engaged for a period of atleast 240 days, or 206 days (in case of offices observing 5 day week) required for a casual labourer to become eligible for grant of temporary status, in terms of DP&T's O.M. dated 10.9.93 (Ann. E), is not restricted to a financial year or a calendar year, and furthermore even those who were not in service as casual labourers on 1.9.93 and completed the aforementioned required number of

days of continuous service on a subsequent date would be eligible for consideration for grant of temporary status.

4. In this background, applicants had the required number of days of continuous service to their credit for grant of temporary status when their services were terminated with effect from 5.3.98 and their services could have been terminated only after giving them one month's notice in writing in terms of Para 7 of aforementioned O.M. dated 10.9.93 which was not done in the instant case.

5. It is true that applicants cannot legally claim reengagement/regularisation in service, and respondents' counsel Shri Pandita has cited several rulings to this effect including JT 1996 (2) SC 455 as well as order dated 18.11.97 in O.A. No. 544/97 Shri Gopal Krishan Vs. C.E.C. and another; order dated 17.10.96 in O.A. No. 1652/95 Suresh Kumar Vs. UOI & Ors.; order dated 8.4.96 in O.A. No. 700/96 Shri Ashok Kumar Vs. Govt. of NCT of Delhi & another; and order dated 20.2.96 in O.A. No. 1653/95 Om Prakash Vs. UOI & Another, but as applicants had put in the required number of days of continuous service for grant of temporary status in terms of DP&T's O.M. dated 10.9.93, in the event the work for which they were engaged was over and their services were no longer required, they should have been disengaged only after giving them one

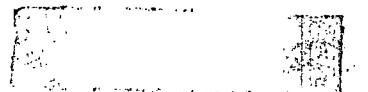
month's notice in writing or a month's wages in lieu thereof in terms of Para 7 of DP&T's O.M. dated 10.9.93 which was not done in this case.

GK

6. In the result ~~these OAs are~~ disposed of with a direction to respondents to pay applicants one month's wages in lieu of the one month's notice in writing that they were entitled to, prior to their disengagement. This payment should be made within two months from the date of receipt of a copy of this order. Furthermore, subject to availability of work, if and when respondents are engaging casual labourers, other things remaining equal it will not be unreasonable for respondents to give some preference to applicants in view of their past service with respondents.

7. ~~These OAs are~~ disposed of in terms of Para 6 above. No costs.

8. Let copies of this OA be placed on the file of each OA.


 (S.R. ADIGE)
 VICE CHAIRMAN (A)

/GK/

Mukherjee
 Court Officer
 Central Administrative Tribunal
 Principal Bench, New Delhi
 Faridkot House,
 Copernicus Marg.