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CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No. 2500 of 1998
M.A. 2632/98

New Delhi, this the 3rd day of December, 1999

HON'BLE MR. KULDIP SINGH, MEMBER (JUDL)

1. Sh. Sajjan Kumar
S/o Shri Rich Pal
Village: Nangli Puna
P.O. Alipur
Delhi-36
2. Sh. Pappu
S/o Shri Babu Lal
B-471, Rajiv Gandhi Marg,
Jawahar Lal Nehru Stadium
Delhi
3. Sh. Bakshish
S/o Shri Suraj Bhan
H/4/1647, Jahangirpuri
Delhi-33
4. Sh. Ramesh Chand
S/o Sh. Ram Chand
Village: Kheda Kala
H.No. 148, Near Railway Line
Delhi-82
5. Sh. Raj Kapoor
S/o Shri Ram Dass
Village: Nangli Puna
P.O. Alipur
Delhi-36
6. Smt. Sharbati Devi
Widow of Govardhan
H/4/1707, Jahangirpuri
Delhi-33
7. Sh. Mukesh
S/o Shri Satbir
Village: Mundka
H.No. 865/16,
Delhi-41
8. Sh. Jaipal s/o Surte
M.C.D. Colony,
Sonia Vihar, Delhi
9. Om Parkash
197C, Sarita Nagar,
New Delhi-17

-APPLICANTS

(By Advocate: Shri D.R. Gupta)

Versus

1. Chief Secretary to the
Govt. of NCT of Delhi,
Sham Nath Marg,
Delhi
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2. Directorate of Education
through its Director,
Old Secretariat,
Alipur Road, Delhi

3. Dy. Director of Education (Sports),
Chattarpal Stadium, Model Town,
Delhi

-RESPONDENTS

(By Advocate: Shri S.K. Gupta)

O R D E R (ORAL)

By Hon'ble Mr. Kuldip Singh, Member (Judl)

Nine applicants have filed a joint application praying that the orders of termination whereby their services have been terminated w.e.f. 20.3.98/30.9.98 be quashed since they have worked for more than 240 days as casual labourers. They have requested for grant of temporary status and regularisation against vacant posts of Group 'D' staff. M.A.2632/98 for joining together is allowed.

2. The grievance of the applicants is that they have worked for more than 240 days and thus, they became eligible for grant of temporary status in terms of the scheme formulated by the Department of Personnel and Training circulated vide O.M. dated 10.2.93. They have also become eligible for regularisation against vacant group 'D' posts in terms of the scheme formulated by the Delhi Administration pursuant to the direction of the Supreme Court in Naidar's case reported in 1992 ATC (21) SC 399.

3. The respondents in their counter have stated that they had no intention to terminate the services of the applicants arbitrarily. However, in view of the requirements of the department for the casual labour

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staff coaching centres, the file was moved to the Finance Deptt. of Delhi Administration for obtaining the necessary sanction to engage casual labour for further period of time but the Finance Department did not accord the sanction. It is further stated that the continuation of the services of the applicants depended on the issuance of the sanction from the Finance Deptt.

4. As regards the applicants' claim for having worked as casual labourer for more than 240 days, there is no denial by the respondents. During the course of arguments, learned counsel for the respondents submitted that if the work is available, they will give employment to the applicants in preference to juniors and freshers.

5. Learned counsel for the applicants referred to a judgement of the co-ordinate Bench in the case of Shri Shivji Mehto & anr. vs. Union of India (O.A.852/98) wherein the Tribunal referred to a judgement in the case of Shri Veer Pal Singh and ors. vs. Union of India and ors., ATJ 1996(2) 128 wherein the Division Bench set aside the termination order and directed the respondents to take back the applicants within a period of one month from the date of receipt of a copy of the order. There was also a direction for grant of temporary status. Similar view was taken in the case of Shri Brij Lal Belwal and ors. vs. Union of India through the Secretary and others. AISLJ Vol.XII 1997(3) 574.

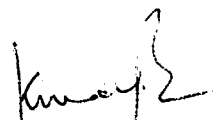
6. The facts of the present case are covered by the above two judgements. The applicants herein also have worked for more than 240 days. The period of

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service rendered by each of the applicant is shown at Annexure A-1 (page 9 of the paper book). Since as per the chart at Annexure A-1, all the applicants are alleged to have worked for more than 240 days, they have got a right for being considered for grant of temporary status.

7. I, therefore, direct the respondents to re-engage the applicants, if the work is available. They will also consider the applicants for grant of temporary status after verifying their service record. If no work is available, the respondents can terminate the services of the applicants in accordance with law.

8. The OA is disposed of with the above directions. No costs.


(KULDIP SINGH)
MEMBER(JUDL)

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