

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A. No.2509/98

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

New Delhi, this the 18th day of May, 1999

Smt. Sumitra
W/o Shri Mahesh Gahera
r/o House No.101, Garhi
(Near Sant Nagar)
Lajpat Nagar, Delhi Applicant

(By Advocate: Mrs. Rani Chhabra)

Versus

1. Union of India
through Ministry of Finance
Department of Revenue
Central Board of Excise and Customs
New Delhi
2. Commissioner (Hqrs)
Central Excise and Customs
Commissionerate, Meerut
3. Superintendent (Hqrs)
Customs and Central Excise
Commissionerate, Meerut
4. Inspector (Hqrs)
Customs and Central Excise
Commissionerate, Meerut
5. Administrative Officer
Customs and Central Excise
Commissionerate, Meerut Respondents

(By Advocate: Shri V.S.R. Krishna)

O R D E R

The applicant who claims that she was engaged as a casual labour with the respondent department, is aggrieved that she has not been conferred temporary status even though she has rendered more than 240 days service continuously in one year. She further states that in May, 1997 her elder son expired and for that reason she could not attend to her duties for 15 days. When she reported back, she was not allowed to rejoin her duties. She filed a representation, dated 24.6.98 whereafter she was reengaged for a period of one month and by oral orders her service was again terminated w.e.f. 1.11.98 and freshers

2

and outsiders were engaged in her place. She has now come before the Tribunal that the oral orders of termination be quashed and the respondents be directed to confer due temporary status with all benefits.

2. The respondents have stated that as she has not been engaged through the Employment Exchange in terms of DOPT letter dated 12.7.94, she cannot be considered for temporary status. They also say that she has not been working continuously but has been asked to work for short periods on daily wage basis.

3. I have heard the counsel. When initially there was a requirement for casual labour the names should have been called from the Employment Exchange for the post. Having engaged the applicant for long periods they cannot now turn around and deny her the benefit of the scheme. There is no indication intention in the reply of the respondents that any action was taken against the official for making her appointment outside the sponsorship of the Employment Exchange. There is also no indication that the respondents had terminated her services and appointed persons whose names had come from the Employment Exchange. In view of the is position the version of the respondents cannot be accepted.

4. Accordingly the O.A. is allowed. The respondents will reengage her if work is available in preference to outsiders and those with lesser service. On reengagement, she will also be considered for temporary status and other benefits, subject to verification of services that she has rendered 240 days continuous service

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in a period of 12 months. This will be done within a period of one month from the date of receipt of this order. No costs.

R.K. Ahuja
(R.K. AHOOJA)
MEMBER (A)