

Central Administrative Tribunal
Principal Bench

O.A.No.504/98

Hon'ble Shri R.K.Ahogja, Member(A) (6)

New Delhi, this the 3rd day of June, 1998

Surender Singh
s/o Shri Fateh Ram
r/o H.No.H-311, Rajnagar-II
Palam Colony
New Delhi - 45.

... Applicant

(By Shri U.Srivastava, Applicant)

Vs.

Union of India through

1. The Secretary
Ministry of Water Resources
Shram Shakti Bhawan
New Delhi
2. The Director (Admn.)
Govt. of India,
Central Ground Water Board
New C.G.O.Complex
N.H-IV, Faridabad - 121 001.
3. Administrative Officer
Central Ground Water Board
New CGO Complex, N.H.-IV
Faridabad - 121 001.

... Respondents

(By Shri R.P.Agarwal, Advocate)

O R D E R (Oral)

The case of the applicant is that he was engaged as Casual Labour with the respondents and worked as such for various periods including 225 days between 1.5.1994 and 1.4.1995 and 380 days between 6.10.1995 and 16.1.1998. On that basis he claims that he should be granted temporary status and also seeks consideration for regularisation against one of the two posts of regular peons for which requisition has been sent to the Employment Exchange by the respondents. The respondents, in their reply, have denied the claim of the applicant. They say that the DoPT Scheme, regarding grant of temporary status, (Annexure A3 to the OA) dated 10.9.1993

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is applicable to only those casual labourers who were in casual employment on that date, i.e., 10.9.1993 and had completed one year engagement as casual labour. Since the applicant was not in that position on 10.9.1993, according to the respondents, he is not eligible to be considered for grant of temporary status. The learned counsel for the respondents submits that the respondents do not have any work available of casual nature at this moment. Further, according to the learned counsel for the respondents, the applicant was not initially sponsored by the Employment Exchange and therefore he cannot be considered for grant of temporary status and regularisation. in terms of the DoPT OM No.49014/2/93-Estt. dated 12.7.1994.

(7)

2. In so far as the first point raised by the learned counsel for the respondents is concerned it has already been held by this Tribunal in Kiran Kishore and Another Vs. Union of India & Another, OA No.1696/95 and Ram Krishan & Others Vs. SDO, Telecom. & Another, OA No.346/94 that the scheme is to be applied to persons who fulfil the specified eligibility criteria of length of service at any time even after 1.9.1993. Secondly in respect of sponsorship by the Employment Exchange, the respondents themselves do not deny that the applicant was in their service and if they employ a person outside the Govt. instructions then it must be presumed that the rules have been consciously relaxed by them. The question however now is as to what relief is possible. The respondents say that no work of casual nature is available at present. On the other hand, the applicant claims that he should be considered for regularisation against two permanent posts of peons for which

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requisition has been placed with the Employment Exchange. For regularisation under the Scheme, Annexure-A3 it is necessary first to go through the grant of temporary status. This still has not been done in the case of the applicant. I therefore dispose of this OA with the following directions to the respondents:

(8)

Requisite period
of service as
per the scheme
of 1973,

a) The respondents will verify the number of days put in by the applicant and thereafter if it is found that he has rendered ~~240 days service in a year~~ consider him for grant of temporary status. This would be done within three months from the date of receipt of a copy of this order.

b) The respondents will also allow the applicant to appear for the selection for the post of peon along with those candidates who may be sponsored by the Employment Exchange as and when such a selection is held, if necessary, by giving him age relaxation on the basis of his length of service with the respondents.

c) The respondents will ~~also~~ consider ~~the~~ the applicant for re-engagement as and when work of casual nature is available giving him preference ~~over~~ ^{over} his juniors and outsiders.

The OA is disposed of as above. No costs.

/rao/

R.K. Ahuja
(R.K. Ahuja)

Member (A)

(*) Corrections
and amendments
done as per Court's
order dated 4.7.98.
in MA 1557/98