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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.No.558 of 1998

New Delhi, this 7th day of December, 1998.

HON'BLE SHRI K. MUTHUKUMAR, MEMBER(A)

1. Pritam Singh
S/o Shri Diwan Chand Sharma
R/o Block No.36
H.No.331 Trilokpuri
New Delhi.
2. Jagan Singh
S/o Shri Hukam Singh
R/o Village Baharampur (Nai Basti)
P.O. Baharampur, Dist. Ghaziabad(U.P.)
Presently residing at F-125
New Defence DESU Colony
Maharani Bagh
New Delhi.
3. Charan Singh
S/o Shri Rati Ram Singh
R/o V&P.O. Dhoom, Dist. Ghaziabad(U.P.)
Presently residing at
H.O. 148, Block G, Gali No.3
Mangolpuri
Delhi.
4. Ajit Singh
S/o Shri Kishan Lal
R/o Choti Aal, Village Palam
P.O. Palam
New Delhi.
5. Jai Bhagwan
S/o Shri Asey Ram
R/o H.No.140
Block-E, Gali No.14
Harizan Basti, East Gokulpuri
New Delhi.

.... Applicants

By Advocate: Shri A.K. Bhardwaj

versus

Union of India, through

1. The Secretary
Ministry of Defence
North Block
Central Secretariate
New Delhi.
2. The Director General
Air Force
Air Headquarter
R.K. Puram
New Delhi.

3. The Sr. Administrative Officer
No.1, MRSIU
Air Force Station, Dadri
Ghaziabad (U.P.)

4. The Commanding Officer
IAF, Air Force Station
Unit 1, (M) RSIU
Dadri, Ghaziabad (U.P.) Respondents

By Advocate: Shri K.R. Sachdeva

O R D E R (oral)

HON'BLE SHRI K. MUTHUKUMAR, MEMBER(A)

Applicants in this application have admittedly been engaged as casual labourers as per the details given by the respondents in their reply in para-4.2. The grievance of the applicants is that the respondents have not re-engaged them although they have worked for number of days which would entitle them to grant of temporary status in respect of at least some of the applicants. It is stated that the applicants approached the respondents and they did not re-engage them. They have therefore filed this application.

2. The learned counsel for applicants has submitted that some of the applicants have been given termination orders as shown in Annexure R-1 and Annexure R-2. He has also submitted that when the applicants approached the respondents, they were turned away. He has submitted that as per the Scheme applicable to the casual labourers, the applicants who have done more than 240 days of work are entitled to be considered for temporary status and as admitted by the respondents themselves, applicants 1-4 have

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completed the necessary number of days for consideration of grant of temporary status. In the case of applicant-5, however, he has not completed the requisite number of days. Learned counsel for the applicants, therefore, prays that a suitable direction may be given to the respondents to consider them for re-engagement and also to grant them temporary status in accordance with the Scheme.

3. Learned counsel for the respondents has however submitted that the applicants themselves in some cases did not turn up for work as indicated in the reply. In the case of applicant-1, it is stated that he has refused to work in the organisation and, therefore, he has been given a proper termination order (Annexure R-1). In the case of applicant-2, he was unwilling to serve in the organisation and he was also accordingly issued a termination order. Same is the case with applicant-3 and he never turned up for work again. In case of applicant-4, he was not willing to work and he was also issued a termination order. Applicant-5 had asked for a review of the case which was pending before the Deputy Labour Commissioner. His case before the Deputy Labour Commissioner was dismissed in October 1997. He had also stopped coming for work complaining of low wages. In view of the circumstances, the respondents have no other alternative but to terminate the services of these applicants. The learned counsel for the respondents also submitted that the applicants have not shown any

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initiative in seeking appropriate departmental remedies by approaching the respondents with a representation for re-engagement explaining their willingness to be re-engaged. He, therefore, submits that if such a direction is given to the applicants to approach the respondents with individual representation, that can be considered and disposed of on merits.

4. The applicants have not filed rejoinder.

5. I have heard the learned counsel for the parties and have also gone through the record.

6. It is admitted position that at least four applicants i.e., applicants 1-4 have had the requisite number of days' engagement as casual labourers in the past after the introduction of the Scheme and originally the respondents should have considered them for grant of temporary status also. But the respondents have averred that the applicants have not shown their willingness to work for one reason or the other and, therefore, the respondents had no other alternative, but to terminate their services.

7. In this application, the only direction that can be issued at this stage is that the applicants should approach the respondents with individual

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representation giving details of number of days they had been engaged in the past and their willingness to be re-engaged. This application is, therefore, disposed of with the following directions:

8. The applicants are directed to make individual representations to the respondents giving details of the previous engagement and also their willingness for engagement in future within two weeks from the date of receipt of copy of this order. On receipt of such individual representations from the applicants, the respondents shall consider re-engaging them and also, taking into account their past service, shall consider grant of temporary status to such of those applicants who are eligible under the Scheme and take a decision in this behalf, i.e. re-engagement and grant of temporary status within a period of six weeks from the date of receipt of such representations from the applicants. Their regularisation can be considered in accordance with the rules after their re-engagement and eligibility for grant of temporary status.

No order as to costs.


(K. Muthukumar)
Member(A)

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