

Central Administrative Tribunal  
Principal Bench

O.A.No.652/98  
M.A.No.1611/98

(9)

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

New Delhi, this the 18th day of September, 1998

Harish Kumar  
s/o Shri Tula Ram  
r/o B-24 SQ, 1st Floor,  
Sujan Singh Park  
New Delhi - 3. .... Applicant

(By Shri U.Srivastava, Advocate)

Vs.

1. Union of India through  
The Secretary  
Ministry of Home Affairs.  
North Block  
New Delhi.
2. The Director  
Central Bureau of Investigation  
C.G.O.Complex  
Lodhi Road  
New Delhi.
3. The Superintendent of Police  
Central Bureau of Investigation  
SIC - II  
New Delhi. .... Respondents

(By Shri S.M.Arif, Advocate)

ORDER (Oral)

The applicant claims that he was engaged by the respondents as Casual Labour w.e.f. 8.9.1994 and has worked with them till 17.3.1998 continuously. However when he claimed grant of temporary status and regularisation as per the relevant Scheme, he alleges that the respondents terminated his services w.e.f. 19.3.1998. He has come to this Tribunal with a prayer that respondents be directed to re-engage him in preference to his juniors and outsiders and that they should also consider his case for grant of temporary status and regularisation in accordance with the Scheme.

2. The respondents have filed a reply. They state that the applicant was engaged on contract basis from 1.4.1996 and further that he left the work without any intimation since 17.3.1998. As such they state that applicant's case does not come within the purview of the Scheme for grant of temporary status and regularisation as Casual Labour.

3. I have heard the counsel on both sides. No specific denial has been made by the respondents in the counter that the applicant did not work from 1994 as claimed in the OA. On the other hand, the applicant has annexed with his rejoinder a copy of the letter written by Supdt. of Police, CBI, SIC-II, New Delhi dated 22.1.1996 addressed to the Deputy Director (Admn), CBI, New Delhi wherein it has been stated in Para-2 that the applicant had been engaged in his branch as a Casual Labour w.e.f. Spetember, 1994 and he cleans office chairs, tables, provides water, tea and lunch etc. to the officerrs/officials. There is thus sufficient indication to corroborate the statement of the applicant that he was initially engaged as a casual labour for duties which are similar to a category 'D' employee, in 1994. The respondents have admitted that the applicant had been engaged on contract basis from 1996. Considering the nature of duties assigned to the applicant, before 1996 and after 1996, it is clear that though he has been shown to be engaged on contractual service, he was in fact being utilised as Group 'D' employee on work of a perinnial nature. In this view of his employment, he is entitled to be considered as a Casual Labour and for grant of temporary status and regularisation.

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4. In the result, this OA is allowed. The respondents are directed to re-engage the applicant, if work is available, in preference to his juniors and outsiders, taking into account the services rendered by the applicant since 1994. After re-engagement he will be considered for grant of temporary status and regularisation in accordance with the scheme formulated by the respondents.

M.A.No.1611/98:

Since the OA has been finally disposed of with the above directions, MA No.1611/98 for grant of interim relief has become infructuous and is accordingly disposed off as such.

*R.K.Ahooja*  
(R.K.Ahooja)  
Member(A)

/rao/