

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.660/1998

New Delhi, this 18th day of March, 1999

Hon'ble Shri S.P. Biswas, Member(A)

Shravan Kumar
T-69, Sarai Kale Khan
New Delhi .. Applicant

(By Shri H.C. Sharma, Advocate)

versus

Director General
CPWD, Nirman Bhavan, New Delhi .. Respondent

ORDER(oral)

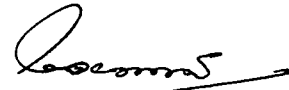
The legal issue raised herein basically relates to claim for regularisation of part-time sweeper/casual labour. Applicant claims that he has been working as part-time sweeper from 26.6.87 and would like to stake his claim for regularisation in terms of the judgement of the Supreme Court in A.N. Pathak & Ors. V. Secretary to Govt. of India 1987 (2) SLJ 140 wherein it has been held that "part-time employees with long spell of temporary service to be treated as permanent".

Based on the Scheme of Government of India dated 10.9.93, this Tribunal held that the benefit of casual labour (grant of temporary status/regularisation) scheme is also applicable to part-time casual labours. The Tribunal's view is to be found in OAs 912 and 961/92 decided on 9.6.93. These cases recently came up for a scrutiny at the level of the apex court in Secretary, M/communication Vs. Sukubhai & Ors. in CA 2002-8/97 decided on 2.4.97. The apex court held that the Tribunal was not right in coming to

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the conclusion that the scheme for conferment of temporary status/regularisation to full time casual labours is also applicable to part-time casual labour/sweeper. The said decision of the apex court has again been reiterated in CA 7437/97 decided on 24.10.97. As per law laid down by the apex court in the abovesaid cases, part-time casual labour/sweeper will have no claim for regularisation. In the light of the latest judicial pronouncement of the apex court as aforementioned, the law laid down in A.N.Pathak's case will no longer hold good. (13)

In the background of the details aforeaid, the OA is devoid of merits and is accordingly dismissed.


(S.P. Biswas)
Member(A)

/gtv/