

Central Administrative Tribunal Principal Bench

OA No. 2137/95

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New Delhi, this the 21st day of March, 1996

Hon'ble Shri A.V.Haridasan, Vice-Chairman(J)
Hon'ble Shri R.K.Ahooja, Member (A)

1. Shri Veer Pal Singh
F 209, Dr. Ambedkar Nagar,
Sector V, New Delhi.
2. Suresh Kumar
Sector 7, R.K.Puram,
New Delhi.
3. Naresh Kumar
278, Harijan Double Story,
Tilak Nagar,
New Delhi.
4. Ram Kumar
637, Baba Kharak Singh Marg,
New Delhi.
5. Chintamani
F-209, Dr. Ambedkar Nagar,
Sector No. 5,
New Delhi.Applicants
(By Shri G.S.Lobana, Advocate)

Versus

Union of India through
Secretary,
Ministry of Water Resources,
Sharam Shakti Bhawan,
New Delhi.Respondents
(By Shri M.K.Gupta, Advocate)

ORDER (Oral)

By Hon'ble Shri A.V.Haridasan, Vice-Chairman(J)

The grievance of the applicants in this case who commenced their casual service on various dates in the year 1993-94 is that though they had completed 206 days in a year, their services have been unjustifiably terminated w.e.f. 18th August, 1995 while persons having lesser length of service were retained in service. Therefore, they pray for a direction to the respondents to grant them temporary status in accordance with the

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Scheme and rules; to pay them at par with regular employees and that their case may also be considered for regularisation.

The respondents resist the application on the ground that the applicants have not completed 206 days in a calendar year, though they might have completed that period in a period of 12 months and that their termination became necessary for want of completion of prescribed period of service.

The applicants have filed the rejoinder stating that the stand of the respondents that the applicants have not completed 206 days is not correct as the requirement is not for completion of 206 days in a calendar year but in an order as has been held in OA No. 1696/95 and that, therefore, the impugned termination of the applications is set aside.

When the application came up for hearing, the learned counsel on either side agree that as identical issue was resolved by this Tribunal in its rulings dated 13.11.1995 in the aforesaid OA, this application may also be disposed off in the light of the above rulings.

In view of the submissions made by the counsel on either side, we dispose off this application at the admission stage itself with the following directions and declaration:

- a) The applicants are entitled for grant of temporary status as per the Scheme and regularization thereunder.

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b) The termination of services of the applicants is set aside and the respondents are directed to take the applicants back in service within a period of one month from the date of receipt of this order.

c) The respondents shall pass an order in regard to the grant of temporary status to the applicants with effect from the date on which they had completed 205 days in a year and grant them the benefits flowing therefrom.

d) the applicant shall not be entitled to back wages for the period during which they were kept out of service. There is no order as to costs.

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

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(A.V. Maridasan)
Vice-Chairman (J)