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Central Administrative Tribunal
Principal Bench

O.A. 2190/95

New Delhi this the 24th day of February, 1997

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

Sushma Rani Rai,
D/o late Sri Kishan Lal,
S/o Shri Amar Nath,
H.No. 16, Circuit House,
Civil Line,
Meerut (UP).

... Applicant.

None

Versus

1. Union of India through
The Secretary,
Ministry of Defence,
South Block,
New Delhi.
2. The Controller General of Defence
Accounts (CGDA),
West Block-V, R.K. Puram,
New Delhi.
3. The Controller of Defence
Accounts (ORS),
North, Meerut Cantt (UP).
... Respondents.

By Advocate Shri M.M. Sudan.

O R D E R (ORAL)

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

The applicant is aggrieved by the order passed by the respondents dated 14.8.1995 rejecting her claim for regularisation of her services. The reason given by the respondents in the impugned letter is that since the applicant had not put in 206 days of engagement as Casual Labourer during 11.9.1992 to 10.9.1993, she was not covered under the provisions contained in the Ministry of Personnel, Public Grievances and Pensions O.M. dated ~~10.9.1993~~. Shri M.M. Sudan,

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learned counsel, ^{has} produced a copy of this O.M. for perusal which is placed on record. The learned counsel has submitted that as contained in paragraphs 2 and 3 of the O.M. dated 10.9.1993, the scheme is applicable to casual labourers in employment of the Ministries/Departments of Govt. of India and their attached and subordinate offices, on the date of issue of the order. According to the respondents, the applicant was engaged in their department on 22.1.1993 and not/11.8.1992 as ~~claimed~~. Therefore, on the date when the scheme came into force w.e.f. 1.9.1993 by the O.M. dated 10.9.1993, she had not put in minimum period of 206 days, as prescribed under the scheme. He, therefore, submits that the applicant is not covered under the scheme for regularisation of her services or grant of temporary status, as this was a one time measure.

2. I have also carefully considered the application as well as the rejoinder and the submissions made by the learned counsel for the applicant on the previous date of hearing. In the rejoinder, the applicant has stated that she was, in fact, engaged initially from 11.9.1992 and reengaged w.e.f. 18.1.1993 but there are no letters of appointment or any other material to support these averments. It is also noted that in para 4.6. of the application, the details of the working period from 11.9.1992 to December, 1992 amounting to 74 days have been added in ink above the typed details of the working period which has also not been signed by either the applicant or the learned counsel. In the circumstances, the ^{claim 18} ~~scheme~~ that the applicant has been engaged initially w.e.f. 11.9.1992 cannot be sustained.

3. Therefore, in the above facts and circumstances of the case, the stand taken by the respondents that as the applicant had not put in 206 days of engagement ^{18.} ~~period~~ prior to the coming into force the scheme/ OM dated 10.9.1993, cannot be faulted. Para 3 of the scheme states that it is applicable to casual labourers in employment of the

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Govt. of India and their attached and subordinate offices, on the date of issue of the order, but it shall not be applicable to casual workers in certain other departments who already have their own scheme. Para 4 states that temporary status would be conferred on all casual labourers who are in employment on the date of issue of the O.M. and who have rendered a continuous service of at least one year, which means that they must have been engaged for a period of at least 240 days ^{and} (206) days in the case of offices observing 5 days week. This provision read with para 10 of the scheme, which lays down that the guidelines contained in the Department's O.M. dated 7.6.1988 should be followed strictly in the matter of engagement of casual employment in Central Government offices, shows that the conferment of temporary status/regularisation of the services of casual labourers was to be considered in terms of the O.M. dated 10.9.1993 in cases where on the date of issue of the O.M. i.e. 10.9.1993 they have rendered the services as prescribed therein. The impugned order refers to the scheme and I find no infirmity in the same which justifies any interference in the matter.

4. The applicant has also sought a direction to the respondents to reengage ~~him~~ ^{her} and thereafter regularise ~~his~~ ^{her} services with all consequential benefits. In this regard, the respondents have submitted that after the disengagement of the applicant, no fresh casual labourer has been engaged. In this view of the matter, the question of reengagement of the applicant, ~~therefore~~ ^{therefore} does not arise. Therefore, this prayer of the applicant is also rejected.

5. In the result, this application fails and it is accordingly dismissed. No order as to costs.

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Member (J)

'SRD'