

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH : NEW DELHI

OA No.1519 of 1996 decided on 2nd July, 1997.

Leela Dhar ...Applicant
(By Advocate : Mr. O.P. Sood)

Vs

Union of India & Ors. ...Respondents
(By Advocate : Mr. M.M. Sudan)

CORUM

Hon'ble Mr. N. Sahu, Member(A)

1. To be referred to the Reporter or not? YES/NO
2. Whether to be circulated to other Benches of the Tribunal? YES/NO

N. Sahu
(N. SAHU)
Member(A)

Central Administrative Tribunal
Principal Bench: New Delhi
New Delhi

OA 1519/96

New Delhi this the 2nd day July, 1997.

Hon'ble Mr N. Sahu, Member (A)

Mr Jeela Dhar
S/o Mr Mangal Ram
H.No.106, Kilocri Village
New Delhi - 110 014.

...Applicant.

(By advocate: Mr O.P.Sood)

Versus

Union of India through

1. Secretary
Ministry of Human Resources Development
New Delhi.

2. Director General
Archeological Survey of India
Janpath
New Delhi- 110 011.

3. Conservator of Archeological Survey of India
Safdarjung Tomb, Madrasa
New Delhi - 110 003.

...Respondents.

(By advocate: Mr M.M.Sudan)

O R D E R

Hon'ble Mr. N. Sahu, Member (A)

1. Heard counsels on both sides.

2. The undisputed facts are that the applicant worked as a casual labourer (Beldar) with respondent No.3 as under:

<u>Y e a r</u>	<u>Period of engagement/number of days</u>
1992	80
1993	266
1994	238+15

During 1995 & 1996 also the applicant worked for varying periods. The periods of engagement were not disputed by the respondents. Applicant's grievance is that his services are dispensed with every now and then, thus causing breaks in continuous service. The applicant's claim is that having completed 240 days of service in one year, he is entitled to the benefits conferred on a workman by the I.D.Act of 1947 and also

10

entitled to temporary status as per the Scheme by that name under OM dated 10.9.93. His further grievance is that temporary status was conferred on his juniors unjustly ignoring his claim. He also seeks regularisation as a Beldar.

3. The respondents plead that Archeological Survey of India (ASI) has seasonal conservation work at various work sites and labourers are engaged depending on the volume of work and disengaged immediately after work is completed. It is specifically averred in the counter:

The ASI " has already given 425 persons as Temporary Status Beldars."

4. The claim that the applicant has been appointed on compassionate ground is mentioned only to be refuted. He no doubt met the superiors in the hierarchy and placed his penury and predicament; but that ^{did} ~~does~~ not advance his case further for a regular appointment. He was appointed only as a Beldar, a daily wage casual labourer for conservation work. Nothing more need be read into it.

5. Applicant's claim for regularisation to a substantive post fails because the respondents every year employ a large number of casual labourers locally recruited at various sites for conservation work and dispense with their services as soon as the work is completed. No posts are created for this. This court cannot give any direction for creation of posts to absorb or regularise an army of hundreds of casual labourers engaged every year for conservation work.

6. However, the respondents have not stated as to why they did not confer temporary status under OM No.51016/2/90 dated 10.9.93. They did not clarify as to how the applicant did not fulfil the criteria laid down. Respondents should take notice of several decisions of this

11

✓ Tribunal to the effect that if conditions stipulated are fulfilled even after 10.9.93, the applicant shall be considered for conferment of temporary status. 240 days of service in a year means such service during whole of 1993 as well as subsequent years.

7. Having considered the decisions of the P.B. cited in OA 1298/89 dated 5.2.93; OA 2013/89 dated 5.6.90 and OA 169/97 dated 24.1.97, I direct the respondents to consider the claims of the applicant for temporary status in accordance with the Scheme cited Supra and pass an order within four weeks of receipt of this order. If the respondents find that for any reason they consider the provisions of the Scheme dated 10.9.93 inapplicable to the applicant, they shall record detailed reasons in that order and communicate the same to the applicant in addition to stating in that order as to why persons junior to the applicant have been conferred temporary status ignoring his claims.

OA is disposed of as above.

N. Sahu 2/7/92
(N. Sahu)
Member (A)

aa.