

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
NEW DELHI

O.A. No. 1572/96  
T.A. No.

199

7

DATE OF DECISION 27-9-1996

<u>Shri Surinder Singh &amp; Ors</u>	<b>Petitioner</b>
<u>Shri Sant Lal</u>	<b>Advocate for the Petitioner(s)</b>
<u>UOI &amp; Ors.</u>	<b>Respondent</b>
<u>Shri M.K. Gupta, Addl. Central Govt. Standing Counsel.</u>	<b>Advocate for the Respondent(s)</b>

## CORAM

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

The Hon'ble Mr.

1. To be referred to the Reporter or not? *yes*
2. Whether it needs to be circulated to other Benches of the Tribunal? *X*

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

Central Administrative Tribunal  
Principal Bench.

O.A. 1572/96

New Delhi this the 27th day of September, 1996.

(8)

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

1. Shri Surinder Singh,  
S/o Shri Mangat Singh,  
working as T.S. Mail Man Palam TMO  
New Delhi-21.
2. Shri Mangat Singh,  
S/o Shri Kundan Singh,  
Retired Head Mailman, Airmail  
Sorting Division,  
New Delhi-21.

(Both R/o Qr. No. A-1/8, Pankha Road,  
New Delhi).

...Applicants.

By Advocate Shri Sant Lal.

Versus

1. The Union of India, through  
The Secretary,  
Ministry of Communications,  
Department of Posts, Dak Bhawan,  
New Delhi-110001.
2. The Chief Postmaster General,  
Delhi Circle,  
Meghdoot Bhawan,  
New Delhi-110001.
3. The Estate Officer,  
O/O The Chief Postmaster General,  
Delhi Circle,  
Meghdoot Bhawan,  
New Delhi-110001. ... Respondents.

By Advocate Shri M.K. Gupta, Addl. Central Govt. Standing Counsel.

O R D E R

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

Applicant No. 1 is aggrieved by the letters dated 24.11.1995 and 12.12.1995 rejecting his request for regularisation of the quarter in his name.

(9)

(9)

2. Applicant No. 1 was initially engaged as a Casual Labourer in 1982 and was granted temporary status with effect from 29.11.1989. By a later order dated 29.11.1992, applicant No. 1 was approved for bringing him at par with temporary Group 'D' officials. This order dated 29.11.1992 had been passed in pursuance of the judgement of the Supreme Court in Jagrit Mazdoor Union (Regd.) and Ors. Vs. Mahanagar Telephone Nigam Ltd. & Anr. and connected cases (SCC 1990 (Supp) 113), decided on 29.11.1989.

3. Applicant No.2, who is the father of Applicant No.1, had been an allottee of P&T Qr. No. A-1/8, Pankha Road, New Delhi (Type-I), New Delhi. He has retired from Government service on 30.9.1995. Applicant No. 1 claims that he had been residing with his father in the Govt. accommodation and was also not drawing House Rent Allowance (HRA) w.e.f. 29.11.1989, that is the date from which he has been conferred temporary status. As mentioned above, applicant No.2's request for regularisation of the Govt. accommodation in the name of applicant No.1 was rejected. Shri Sant Lal, learned counsel for the applicant, relying on the judgement in Union of India Vs. Moti Lal & Ors. (ATJ 1996(1) 625), claims that on the applicant getting temporary status, he is entitled to allotment/regularisation of the quarter in his name.

4. The respondents have filed their reply controverting the above claims. Shri M.K. Gupta, learned counsel for the respondents, submits that the casual labourer who is given temporary status and brought at par with temporary Group 'D' officials, is not the

(10)

same as a person holding the Group 'D' post. He has relied on Clauses 7, 16 and 17 of the Scheme prepared by the respondents regarding 'Temporary Status to Casual Labour (Postal)' dated 12.4.1991. He submits that unless the applicant becomes part of the Group 'D' service, he cannot get all the benefits of a Group 'D' employee but only such <sup>benefits as</sup> have been provided in the Scheme. He has distinguished the judgement in Union of India Vs. Moti Lal & Ors. (Supra) which deals with the regularisation of housing of a Group 'C' employee under the Railway Rules. He relies on the Full Bench judgement of this Tribunal in Liaquat Ali & Ors. Vs. Union of India (ATC 1995(31) ATC 544 and the judgement in Bishram Singh & Anr. Vs. Union of India & Ors. (O.A. No. 807 of 1995). He submits that a casual labourer with or without temporary status has no legal right for allotment of the Government quarter.

5. The Scheme regarding Temporary Status to Casual Labour (Postal) dated 12.4.1991 provides, inter alia, that after rendering three years' continuous service after conferment of temporary status, the casual labourers would be treated at par with temporary Group 'D' employees for the purpose of contribution to General Provident Fund and they would also further be eligible for the grant of Festival Advance/Flood Advance on the same conditions as are applicable to temporary Group 'D' employees. In the order dated 30.11.1992 which had been passed in pursuance of the judgement of the Supreme Court in Jagrit Mazdoor Union (Regd.) (Supra) dated 29.11.1989, it is stated that from the

11

date the casual labourers are granted temporary status as per the scheme dated 12.4.1991, they are entitled to the benefits admissible to temporary Group 'D' employees such as,

- "(1) All kinds of leave admissible to temporary employees.
- (2) Holidays as admissible to regular employees.
- (3) Counting of service for the purpose of pension and terminal benefits as in the case of temporary employees appointed on regular basis for those temporary employees who are given temporary status and who complete three years of service in that status while granting them pension and retirement benefits after their regularisation.
- (4) Central Government Employees Insurance Scheme.
- (5) G.P.F.
- (6) Medical Aid.
- (7) L.T.C.
- (8) All advances admissible to temporary Group 'D' employees.
- (9) Bonus."

6. From a perusal of the judgement of the Supreme Court as well as the aforesaid order dated 30.11.1992 and the Scheme dated 12.4.1991, it is seen that the casual labourers who have been granted temporary status, are entitled to certain monetary benefits which have been enumerated as aforesaid. Shri Sant Lal, learned counsel for the applicant, laid great stress on the words such as preceding the benefits enumerated in the order dated 30.11.1992, and submits that the benefits also include allotment and regularisation of the Govt. accommodation. This submission cannot be accepted as admittedly both the letter of 30.11.1992 and the Scheme dated 12.4.1991 have been issued in

(2)

compliance of the Supreme Court's judgement dated 29.11.1989. It is also seen from Clauses 7, 16 and 17 of the Scheme dated 12.4.1991 that the conferment of temporary status does not mean that they can be considered as regular Group'D' employees holding Group'D' posts without being appointed to those posts as per the extent recruitment rules. Therefore, unless the applicant holds a regular Group'D' post, he will not be eligible for <sup>regularisation</sup> ad hoc of the Govt. accommodation.

7. Shri Sant Lal, learned counsel, has/ relied on the submissions made by the respondents in Bishram Singh's case (O.A. 807/95) that if at all it is only after applicant No.1 is treated at par with Group'D' employees that he will be eligible for Govt. accommodation which would start from that date. He has argued that in this case applicant No. 1 has already been given temporary status w.e.f. 29.11.1992 prior to the retirement of his father on 30.9.1995. I have considered this argument also but I am of the view that it will not assist the applicant in view of the specific provisions of the Scheme dated 12.4.1991 and the order dated 30.11.1992, on the basis of which the applicant is basing his claim. Further, having regard to the judgement of the Full Bench in Liaquat Ali's case (supra), I find no merit in this application.

8. For the reasons given above, the O.A. is dismissed. No order as to costs.

*Lakshmi Swaminathan*

(Smt. Lakshmi Swaminathan)  
Member(J)

'SRD'