

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

D.A./xxx. No. 1735/96 /19 Decided on: 18.10.96.

Narender Singh & others

(By Shri E.X.Joseph, APPLICANT(S)
Advocate)

VERSUS

UOI & another

..... RESPONDENTS
(By Shri M.K.Gupta, Advocate)

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THE HON'BLE SHRI S.R.ADIGE MEMBER(A).

THE HON'BLE ~~xxxxxx~~ / DR. A. VEDAVALLI MEMBER(J)

1. To be referred to the Reporter or not? Yes.
2. Whether to be circulated to other Benches of the Tribunal? No.

Adige
(S.R.ADIGE)
MEMBER(A).

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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH
NEW DELHI.

O.A. No. 1735/96.

New Delhi: this the 18th day of October, 1996

HON'BLE MR. S. RADIGE MEMBER (A)

HON'BLE DR. A. VEDAVALLI MEMBER (J)

1. Shri Narendra Singh,
S/o Shri Ram Chander Singh,
Casual Labourer (terminated)
R/o H.No. G-21, East Vinod Nagar,
New Delhi - 91.
2. Shri Prem Kumar
S/o Shri Parbati Lal,
Casual Labourer (terminated)
R/o Nangloi Gaon,
H.No. 191, Mohalla Parjapat, Nangloi,
3. Shri Praful Kumar Samal,
S/o Shri Fakir Chand Samal,
Casual Labourer,
R/O DRDO Camp.,
Pankha Road, ASC Butchri,
New Delhi - 100
4. Shri Raj Kishore Prasad,
S/o Shri Mohar Lal Prasad,
Casual Labourer,
R/o DRDO CAMP
Pankha Road, ASC Butchri,
Delhi Cantt. 10.

..... Applicants

By Advocate: Shri E. X. Joseph.

Versus

1. Union of India through
the Secretary to the Govt. of India,
Ministry of Defence,
South Block,
Central Secretariat,
New Delhi.
2. The Director,
Directorate of Management Services,
Defence Research and Development Organisation,
Ministry of Defence,
'B' Wing,
Sena Bhawan,
New Delhi - 100 001.

.... Respondents

By Advocate: Shri M. K. Gupta

JUDGMENT

BY HON'BLE MR. S. R. ADIGE MEMBER (A).

Heard:

2. The respondents have not disputed that on the date the applicants were disengaged i.e. 1.6.96 they had put in the required number of days of continuous service to qualify them for the grant of temporary status in terms of Casual Labour (Grant of Temporary Status) Scheme circulated vide DPAT's OM dated 10.9.93. The Tribunal has since held in CP No. 345/94 in OA 346/94 that it is not necessary for a Casual Labourer to have been in service on the date the Scheme came into operation, to qualify him for the grant of temporary status in terms of the said Scheme, and even those in service after that date but who had otherwise put in the required period of continuous service would be eligible for consideration of temporary status in terms of the Scheme.

3. Thus in the present case the applicants were entitled to grant of temporary status on the date they completed the necessary period of qualifying service which was well before 1.8.96, though no formal orders were issued regarding conferment of temporary status and therefore the respondents' action in not giving them one month's notice before disengagement or one month's wages in lieu thereof constitutes an arbitrary infraction of Provision No. 27 of the Scheme.

4. This OA is therefore disposed of with the following directions:

- 1.) The respondents will release 1 month's wages to the applicants within 2 months from the date of receipt of a copy of this judgment.
- 2.) Subject to availability of work they will consider re-engaging the applicants in preference to outsiders and those with overall lesser length of past service.
- 3.) In the event the applicants are re-engaged, the respondents will pass necessary orders regarding the grant of temporary status to the applicants after taking into account the past service put in by them, which will be effective from the date they completed the requisite period of qualifying service. These orders must be passed within 1 month of their re-engagement.
- 4.) Thereafter it will be open to the applicants to work out their right for regularisation in accordance with law and relevant instructions, subject to their eligibility and availability of regular vacancies.

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5. This OA is disposed of in terms of
paragraph 4 above. No costs.

A. VedaValli
(DR. A. VEDA VALLI)
MEMBER (J).

S. R. Adige
(S. R. ADIGE)
MEMBER (A).

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