

Central Administrative Tribunal, Principal Bench

O.A.No.1796/96

Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this 18th day of March, 1997

Prahlad Kumar
s/o Sh. Shri Laxman Singh
Village Puthad
P.O. Aminagar Sarai
Tehsil Baghpat
Dist. Meerut(U.P.) ... Applicant

(By Mrs. Rani Chhabra, Advocate)

Vs.

1. Union of India
through Ministry of Finance
Department of Revenue
Central Board of Excise & Customs
Delhi.
2. The Commissioner I
Customs & Central Excise North U.P.
Commissionerate, Meerut
3. The Superintendent,
Head Quarters
Central Excise & Customs
Commissionerate Meerut. ... Respondents

(By Shri V.S.R.Krishna, Advocate)

O R D E R(Oral)

The applicant is working in Customs and Central Excise North U.P., Commissionrate, Meerut. He is aggrieved that though he has rendered more than 240 days of casual service the respondents have not considered him for grant of temporary status and have instead terminated his services. The respondents on the other hand deny applicant's claim on the ground that the applicant did not secure casual employment through the Employment Exchange and that he has also not rendered the minimum 240 days casual service in one calender year.

2. I have heard the learned counsel on both sides. The learned counsel for the applicant points out that even as per chart at Annexure R3, provided by the respondents, the

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- 2 -

applicant has rendered more than 240 days casual service during the period from April, 1995 to March, 1996 and the total comes to 263 days. The learned counsel for the respondents states that the period is to be counted in terms of one calendar year i.e. from 1st January, to 31st December. I have gone through the scheme at Annexure A2. Para 5 of the aforesaid scheme, regarding the grant of temporary status, reads as follows:

"(i) Temporary status would be conferred on all the casual labourers currently employed and who have rendered a continuous service of at least one year out of which they must have been engaged on work for a period of 240 days (206 days in the case of offices observing five day week). Such casual labourers will be designated as temporary Mazdoor."

3. According to the said scheme there is no mention of calendar year, the requirement being for continuous service of at least one year. This could be reckoned from any point of time. Accordingly, the applicant is, in the facts of the case, entitled for the grant of temporary status as he has rendered more than 240 days in a period of one year.

3 4. The OA is disposed of with a direction that the respondents will confer the temporary status on the applicant and re-engage him with consequential benefits in accordance with the Scheme and Rules within a period of three months from today.

R.K. Ahooja
(R.K. AHOOJA)
MEMBER(A)

/rao/