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Central Administrative Tribunal, Principal Bench

M.A.No.2530/96
O.A.No.1797/96

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

New Delhi, this 7th day of April, 1997

Hem Raj
s/o Shri Murari Lal
r/o H.No.218, Type II, Mayapuri
Press Colony
New Delhi. Applicant

(By Shri U.Srivastava, Advocate)

Vs.

Union of India through
the Secretary
Ministry of Home Affairs
North Block
New Delhi.

The Director
Central Bureau of Investigation
C.G.O.Complex, Block No.IV
Lodhi Road
New Delhi - 3.

The Superintendent of Police
C.B.I.Anti Corruption Unit VIII
Block No.4, 3rd Floor
C.G.O.Complex
Lodhi Road
New Delhi.

...Respondents

(By Shri Madhav Panikar, Advocate)

O R D E R (Oral)

The applicant submits that his name was sponsored by the Employment Exchange and he was engaged as Casual Labour (Waterman) in the Respondents department and worked as such from 19.10.1993 to 23.11.1994 for a total of 382 days. Later, he worked from 12.7.1995 to 31.12.1995 for a period of 174 days. On 31.12.1995 his status was changed and he was engaged on contract basis on payment of Rs.1500 per month till September, 1996. He states that he made a representation for grant of temporary status since he had completed the requisite 206 days of service but his status was changed from daily wage to contract labour. Another person, Shri Krishana Yadav who was also engaged as casual labour w.e.f. 21.12.1993 ^{was} granted temporary status and his

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^{in case} services are being processed for regularisation. The applicant seeks a direction to the respondents not to change his mode of engagement, and ^{to} grant him temporary status from the date when he had completed 206 days and also regularise his services.

2. The respondents in their reply statement deny the claim of the applicant that he had worked as Casual Labour for 206 days in a particular year. According to them, though he was engaged on 16.11.1993, in the following one year he was engaged only for 178 days as casual labour. Later he was engaged on contract basis from March, 1995 to June, 1995 and October 1995 to 9.1.1996..

3. I have heard the counsel on both sides. The learned counsel for the applicant has produced a copy ^{each} of office orders No.335/93, 73/94, 103/94 and 162/94 issued by a Superintendent of Police, CBI, SPE:ACU-III, New Delhi which ~~beats~~ out the claim of the applicant made in para 4.6 of his OA regarding the periods for which he was engaged as casual labour during the year 1993-94. On the basis of these office orders it would appear that the applicant, indeed as he has claimed, worked for more than 206 days as casual labour during the year 1993-94. On that basis he is entitled to the grant of temporary status.

4. The learned counsel for the respondents fairly concedes that in case these office orders are verified as correct, the applicant would be entitled to the reliefs claimed though the department has dispensed with the ^{or} casual labour and is now engaging contractors for such work.

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5. In the facts and circumstances of the case, I dispose of this OA with a direction that the respondents will verify the office orders which have been produced by the learned counsel for the applicant within a period of one month. In case these are found to be genuine, action will be taken by the respondents to grant temporary status to the applicant from the date he completed 206 days of casual labour in a year and grant ^{him} all consequential benefits thereof. OA is accordingly disposed of. No costs.

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

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