

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH : NEW DELHI

8

OA No. 2155 of 1996 decided on 2nd July, 1997.

Mahipal Singh & others ... Applicants
(By Advocate : Mr. B.S. Mainee)

Vs

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

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

OA 2155 of 1996

New Delhi this the 2nd day of July 1997.

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

1. Mahipal Singh
S/o Mr Nathu Singh
2. Dayanand Jha
S/o Mr Shrikant Jha
3. Bhartveer
S/o Mr Ved Prakash
4. Surinder Kumar
S/o Mr Sahker Lal
5. Gopal
S/o Mr Dayachand

...Applicants.

(All working as Casual Labourers under
Dte Management Services, Defence
Research & Development Organisation
Ministry of Defence, Sena Bhawan,
New Delhi).

(By advocate: Mr B.S.Mainee)

Versus

Union of India through

1. Secretary
Ministry of Defence
Sena Bhawan
New Delhi.
2. Director
Dte. Management Services
Defence Research & Development Organisation
Ministry of Defence
Sena Bhawan
New Delhi.

...Respondents.

(By advocate: Mr M.K.Gupta)

O R D E R

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

The five applicants in this OA worked as casual labourers under respondent No. 2 for periods stated by the respondents in Annexure R-2 of their counter as under:

One year + 200 days + 10 days

measure, it cannot be granted to persons who rendered services after 10.9.93. It is next stated that the services of the applicant were

<u>Name</u>	<u>Period</u>	<u>Total Number of Days</u>
1. Mahipal Singh	Sept.1995 to -Sept.1996.	276
2. Dayanand Jha	-do-	313
3. Bhartveer	Aug.1995 to Sept.1996.	310
4. Surinder Kumar	-do-	283
5. Gopal	-do-	277

2. For the first two persons, break was given on 15.3.96 and for the last three persons, there were two breaks on 16.2.96 and 17.5.96. The applicants are aggrieved by the verbal order of the respondents under which their services were terminated w.e.f. 1.10.1996. It is claimed that in terms of OM No.51016/2/96-Estt.(1) dated 10.9.93 issued by the Ministry of Personnel, temporary status has to be conferred on all casual labourers who have rendered continuous service of at least one year which means that they must have been engaged for a period of at least 240 days in offices observing 6 day week or 206 days in the case of offices like that of the respondents observing 5 day week.

3. The claim of the applicant was contested by the respondents on the ground that the Scheme of Ministry of Personnel referred to Supra was clearly applicable to only those casual labourers in employment as on 10.9.1993 and who had rendered a continuous service of at least one year - 206 days. As this grant of temporary status was one time measure, it cannot be granted to persons who rendered services after 10.9.93. It is next stated that the services of the applicant were dispensed with due to completion of temporary job and that no fresh casual labourers have been engaged in place of the applicants. It is also mentioned that no work existed on the date of the disengagement.

Amritpal Singh

4. After hearing learned counsel appearing for both sides, it appears to me that this is a simple matter already covered by the decision of this Tribunal and there is no need for me to refer to several decisions cited by either side. Admittedly, the applicants had put in the required number of continuous service to qualify them for grant of temporary status in terms of OM dated 10.9.93. The Tribunal has held in CP 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 for the grant of temporary status under the Scheme. Those in service after that date too who have otherwise put in the required period of continuous service would be eligible for consideration of temporary status.

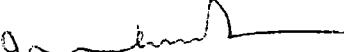
5. Learned counsel for the applicant cited the decision of the DB in OA 1735/96 which covers the issue before me and I shall respectfully follow the order passed in that OA.

6. The respondents have not given one month notice before disengagement or one month's wages in lieu thereof. I would, therefore, direct the respondents to release payment of one month's wages to the applicants within a month from the date of receipt of a copy of this order.

7. Whenever work is available, the applicants shall be preferred to outsiders and persons with lesser length of service to the organisation. The moment the applicants are re-engaged, the services rendered by them with the respondents mentioned in Annexure R-2 shall be kept in view and they shall be considered for conferment of temporary status. Such an order of conferment of temporary status shall be passed within a period of one month from the date of re-engaging them. The services already put in by the applicants shall be considered and kept in view while filling up any permanent vacancy to which the applicants are otherwise eligible for consideration.

OA is disposed of as above.

aa.


(N. Sahu)
Member (A)

2/7/97