

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA-2361/96

New Delhi This the 7th day of November, 1997.

Hon'ble Sh. S.P. Biswas, Member(A)

Sh. Jay Ram Singh,
S/o Sh. Munni Lal,
R/o 1774, Pratap Nagar,
Paharganj,
New Delhi.

..... Applicant

(through Ms. Richa for Mrs. Rani Chhabra)

versus

1. Union of India
Ministry of Telecommunication,
Sanchar Bhawan,
New Delhi.

2. Chief General Manager,
(Western Wings)
Dehradun.

3. Telecom Distt. Manager,
Moradabad.

4. Asstt. Engineer Installation,
Moradabad.

5. S.D.O.,
E-10 B,
Bareilly.

..... Respondents

(through Sh. VSR Krishna)

ORDER(ORAL)

The applicant is aggrieved by the verbal order dated 31.10.95 when his services were terminated suddenly. He claims that he had worked for more than 240 days in a year and is entitled for temporary status as per the Scheme of "Grant of Temporary Status and Regularisation" introduced by the Department of Communication dated 1.10.1989. As per the aforesaid Scheme, temporary status will be conferred with following conditions are fulfilled:-

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(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.

(ii) Such conferment of temporary status would be without reference to the creation/availability of regular Gr. D. Posts.

(iii) Conferment of temporary status on a casual labourer would not involve any change in his duties and responsibilities. The engagement will be on daily rates of pay on a need basis. He may be deployed anywhere within the recruitment unit/territorial Circles on the basis of availability of work.

(iv) Such casual labourers who acquire temporary status will not, however, be brought on to the permanent establishment unless they are selected through regular selection process for Gr.D. Posts."

2. The applicant submits that he fulfills all the necessary conditions. He draws support from the details at Annexure P-II wherein it has been mentioned that the number of days he had worked in a year (from 1.11.94 to 31.8.95) are for more than 240 days. Based on the details in Annexure P-II, the applicant would argue that he is eligible for conferment of temporary status even on the basis of the Scheme formulated by the Department itself.

3. The ld. counsel for the applicant drew our attention to the decision of this Tribunal in OA-340/94 decided on 21.7.94 wherein the cases of casual workers, similarly placed, were decided in

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favour of the applicants therein, when it was established that they had worked for 240 days in one particular year. The respondents in the above OA were directed to consider the cases of the applicants for grant of temporary status under the Scheme. As per learned counsel for the applicant, the same situation prevails here. The learned counsel for the applicant also drew my attention to the decision of this Tribunal in OA-1796/97 decided on 18.3.97. As per the orders of this Tribunal in the aforesaid case, the requirement of one year could be reckoned from any day in a year till the completion of 365 days. It has no connection with calender or financial year. This is based on interpretation of the term "year" in the Scheme itself. Based on this criteria, the applicant herein appears to have completed more than 240 days between 1.11.94 to 31.8.95 at Moradabad itself.

4. In view of the reasons aforesaid, the application succeeds and is allowed with the following directions:-

- (a) The respondents are directed to consider the case of the applicant for grant of temporary status under the Scheme on the footing that he has rendered services for a period of more than 240 between November, 1994 and August, 1995.

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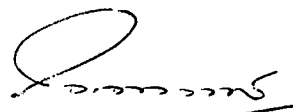
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(4)

(b) The respondents shall convey their decision in respect of conferment of temporary status to the applicant with reference to the applicants' representations at P-II dated 1.12.93. This shall be done within a period of three months from the date of receipt of a certified copy of this order.

(c) The respondents are directed to consider the case of the applicant's re-engagement in preference to juniors and outsiders.

(d) There shall be no order as to costs.


(S.P. Biswas)
Member(A)

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