

Central Administrative Tribunal
Principal Bench: New Delhi

OA NO.429/96

New Delhi this the 17th day of July 1996.

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)
Hon'ble Mr K.Muthukumar, Member (A)

1. Samod Kumar
S/o Sh. Sukhbir Singh
Assistant Engineer, OFC
Telephone Exchange
New Mandi
Muzaffarnagar
2. Som Pal Singh
S/o Sh. Tara Chand
Assistant Engineer, OFC
Telephone Exchange
New Mandi
Muzaffarnagar.

...Applicants.

(By Advocate: Mrs Rani Chhabra)

Versus

1. Secretary Telecom
Ministry of Telecommunication
Dept. of Telecommunication
Sanchar Bhawan
New Delhi.
2. Divisional Engineer
Optical Fibre Cable
Maintainance
Muzaffarnagar (UP)
3. Assistant Engineer
Optical Fibre Cable
Maintainance
Muzaffarnagar (UP)

...Respondents.

(By Advocate: Sh. M.M.Sudan)

O R D E R (Oral)

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)

The applicants 1 & 2 who had rendered casual service under the respondents in the year 1983 and thereafter, after a long gap, were engaged from 1.6.92 & 1.1.93 respectively, are aggrieved by the fact that the respondents do not consider their case for grant of temporary status although ~~all of them~~ ^{They} have been continuously working after the date of their engagement and

have completed 240 days of service each year. Therefore, the applicants have filed this application jointly for a direction to the respondents to confer on them temporary status w.e.f. June 1992 and January 1993 respectively with all consequential benefits in accordance with the scheme for grant of temporary status and regularisation for casual mazdoor.

2. The respondents resist the claim of the applicants on the ground that the scheme for grant of temporary status and regularisation does not extend to those casual labourers who were first engaged prior to 31.3.85 and also to those who were not on position as on 1.10.89 when the scheme was brought into effect.

3. We have heard the learned counsel and also perused the material on record. Regarding the first contention of the respondents that casual labourers who were first engaged prior to 31.3.85 would not be entitled to the benefit of the scheme for grant of temporary status, the Hon'ble Supreme Court had rejected such a contention in its ruling in Brij Kishore Vs. UOI, Writ Petition No.1041/88. This ruling of the Hon'ble Supreme Court had been upheld by a Division Bench of the Tribunal in OA No.585/95. Regarding the next contention that only casual labourers who were currently employed as on the date of commencement of the scheme i.e. 1.10.89, this contention has also been negated and it has been held that casual labourers who commenced their services after the date of commencement of the scheme would be entitled to grant of temporary status on their completion of period of 240 days, by a Division Bench of this Tribunal in CP No.345/94 in OA 346/94 decided on 16.2.1995. Thus it is seen that the contention raised by the respondents has only to be reviewed in view of the above two pronouncements. Even

otherwise, the scheme has been evolved for the purpose of granting certain benefits to casual labourers who are being continuously engaged. This cannot be denied to them on the ground of cut-off date.

4. In the result, in the light of what is stated above, we allow the application in part and direct the respondents to consider the case of the applicants for grant of temporary status in accordance with the scheme and to grant them the same with effect from the date on which they became due for such benefits. Necessary orders in this regard shall be issued by the competent authority within a period of two months from the date of receipt of this order.

No order as to costs.



(K. Muthukumar)
Member (A)



(A.V. Haridasan)
Vice Chairman (S)

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