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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A.NO.791/96

Hon'ble Shri Justice Ashok Agarwal, Chairman
Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this the 25th day of January, 2000

1. Dinesh Kumar
s/o Sh. Tara Chand
r/o 2/12 Jagjivan Road
Loni Road
Shadra, Delhi - 93.
2. Gyanbir
s/o Sh. Dharam Singh
r/o Gali No.2, Indira Puri
Nandi Garden, Loni Distt.
Ghaziabad (UP). ... Applicants

(By Shri Yogesh Sharma, Advocate)

Vs.

1. Union of India through
The Secretary
Dept. of Ocean, Govt. of India
Block-12, CGO Complex
Lodi Road
New Delhi.
2. The Joint Secretary
Dept. of Ocean, Govt. of India
Block-12, CGO Complex
Lodi Road
New Delhi.
3. The Section Officer
Dept. of Ocean, Govt. of India
Block-12, CGO Complex
Lodi Road
New Delhi.

(By Shri P.H.Ramchandani, Advocate)

O R D E R (Oral)

By R.K.Ahooja, Member(A)

The applicants before us claim that they are entitled to the grant of temporary status on the basis of the service rendered by them in terms of Office Memorandum dated 10.9.1993. The respondents however have rejected the claim on the ground that the applicants were not in engagement as Casual Labourers on the date when the said OM came into existence, i.e., 10.9.1993. They also state that the applicants

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were engaged for seasonal work of waterman and the aforesaid OM visualises the grant of temporary status to the casual labourers who are doing jobs of perennial in nature.

2. We have heard the counsel. It has already been decided by this Tribunal, for example, in Pawan Kumar Vs. Union of India & Others, OA No.433/98, decided on 10.7.1998 that it is not necessary for the casual labour to have been employed on the date of issue of the OM, i.e, 10.9.1993 and the benefits of the Scheme will be applicable to all those casual labourers who are in continuous length of service even though they were taken into employment after the issue of the aforesaid OM. Therefore, the objection raised by the respondents is not tenable. As regards their objection that the applicants were engaged for a work of seasonal nature, this again is to be reflected in terms of the dates of their engagement and days they put in service during the course of one year. The applicant to be entitled for grant of temporary status have to put in a minimum of 206 days in a year. This requirement is not related to the nature of the job but to the period of their engagement.

3. In view of the aforesaid reasons, we find that the applicants are entitled for consideration for grant of temporary status in terms of the OM dated 10.9.1993.

4. The OA is accordingly allowed. The respondents are directed to consider the applicants for grant of temporary status as per the OM dated

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10.9.1993 from the date they became eligible. This will be done within a period of three months from the date of receipt of a copy of this order. No costs.


(Ashok Agarwal)

Chairman


(R.K. Ahuja)

Member(A)

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