

(42)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

CP. No. 343 of 1998
in
OA. No. 748 of 1997

New Delhi, this 18th day of February, 1999.

HON'BLE MR. JUSTICE V. RAJAGOPALA REDDY, VICE CHAIRMAN (J)
HON'BLE MR. K. MUTHUKUMAR, MEMBER (A)

1. Pramod Kumar
S/o Shri Nand Lal
R/o D-16, Mansarovar Garden
New Delhi.
2. Anil
S/o Shri Ram Kishan
R/o 69/872 Panchkuyian Road
New Delhi.
3. Tayub Khan
S/o Shri Ayub Khan
R/o M-209 Sewar Nagar
New Delhi.
4. Ramesh Chander
S/o Shri Samay Singh
R/o 8/289 East Gokulpuri
Harijan Basti
Lodhi Road
New Delhi.
5. Mohan Singh
S/o Shri Inder Singh
R/o D-35/1 Moti Bagh
New Delhi.
6. Sunil Kumar
S/o Shri Ramphool
R/o A-170 Minto Road
New Delhi.

... Petitioners

By Advocate: Shri A.K. Bhardwaj

versus

1. Shri Asha Dass
Secretary
Ministry of Human Resources Development
Department of
Women & Child Development
A. Wing, Shastri Bhawan
New Delhi.

(42)

2. Shri Ram Sahai
Section Officer
Ministry of Human Resources Development
General Section
Shastri Bhawan
New Delhi-110001

... Respondents

By Advocate: Shri Mohar Singh

O R D E R (ORAL)

HON'BLE MR. JUSTICE V. RAJAGOPALA REDDY, VC(J)

Heard the learned counsel for the parties.

2. The C.P. has been filed alleging that the order of this Tribunal in OA.748/97 dated 8.10.97 has not been implemented by the respondents. The above O.A. was filed by the applicants aggrieved by their disengagement from the service of the respondents which was stated to be in contravention of the scheme of Grant of Temporary Status and Regularisation of Casual Labourers. The Tribunal while disposing of the said O.A., noticing the judgment of the Supreme Court in Ghaziabad Development Authority Vs. Vikram Choudhary & Ors. [JT 1995 (5) SC.636], observed that the purpose is to see that as long as casual labourers are discharging their duties efficiently and to the satisfaction of the employer and as long as work is available, they shall not be discharged. The procedure for temporary status leading to eventual absorption are built-in-safeguards to secure a casual labourer's future. The Tribunal had eventually directed the respondents to confer temporary status to the applicants within four weeks from the date of receipt of the order. Aggrieved by the above judgment, respondents carried the matter to the High Court.

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The High Court initially stayed the operation of the judgment. Subsequently, the High Court dismissed the case of the respondents. Now this Contempt Petition has been filed by the petitioners alleging that the order of the Tribunal has not been implemented.

3. Learned counsel for respondents submits that the order in fact was implemented and he filed the order dated 10.8.98 where the petitioners were given temporary status as directed by the Tribunal. Learned counsel for petitioners contends that though they were given temporary status, the benefits under the scheme were not given to them and they are not engaged by the respondents till now. Learned counsel for respondents admits that though they were given temporary status, they were not engaged and submits that it is not necessary for engaging them in pursuance of conferment of temporary status as there is no work.

4. We do not find any violation of the order of the Tribunal. The Tribunal has only directed the respondents to give temporary status. As seen from the scheme, it is not necessary to engage the petitioners who were not in service after giving temporary status. As observed by the Tribunal, the temporary status was given not necessarily for engagement, but only to safeguard and secure a casual labourer's future. Learned counsel for respondents also submits that as there was no work, no one was engaged by them in the service. He also undertakes to engage the petitioners as and when work becomes available.

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5. In view of the above facts and circumstances of the case, there is no merit in this C.P. and the C.P. is dismissed. Notices discharged.


(K. Muthukumar)
Member (A)


(V. Rajagopala Reddy)
Vice Chairman (J)

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