

8

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

HON'BLE SHRI R.K. AHOOJA, MEMBER (A)

O.A. No.1055/1997

NEW DELHI, THIS 23RD DAY OF SEPTEMBER, 1997

SHRI MUKESH KUMAR
S/o Sh. Ram Shankar Singh
R/o Village Karwal Nagar
Delhi-94

...APPLICANT

(By Advocate - Shri D.R. Gupta)

VERSUS

1. The Chief Controller of Accounts
Ministry of I & B
Principal Accounts Office
H Block, Tropical Building
Connought Place
New Delhi

2. The Chief Controller of Accounts
Ministry of I & B (PIB)
Shastri Bhawan
New Delhi

...RESPONDENTS

(By advocate - Shri R.V. Sinha)

ORDER (ORAL)

The applicant worked in various offices of the Pay and Accounts Officer, Ministry of Information & Broadcasting, from 1.5.1996 to 30.4.1997. His grievance is that though he had worked for more than 206 days and was entitled to the benefit of the scheme formulated by the DOP&T for grant of temporary status, the respondents verbally disengaged him even though they have kept in employment casual labourers who joined the services much after him.

Ques

contd...2/-

2. The applicant has now come before the Tribunal seeking quashing of the respondent's verbal order of termination and for issuing direction to the respondents to re-engage him as casual worker and to consider him for regularisation as per rules.

3. The respondents in their reply submit that the applicant's services were terminated as there was no work available in PAO (MS) office and nobody has been re-engaged in his place after the termination of his services. They state that the casual labour to whom reference has been made by the applicant are working in other offices like Dy.C.A. (IRLA), PAO (DAVP), PAO (TV) and PAO (AIR), New Delhi. These are separate offices with separate Heads of Offices and they employ casual labour according to their requirement. They also have separate budgets. As such, the respondents cannot interfere with their routine working. The respondents therefore state that the applicant has no case for re-induction.

4. I have heard the counsel on both sides. Shri D.R. Gupta, 1d. counsel for the applicant, has relied on the judgement of this Tribunal in OA No.394/1996 Satyapal Vs. UOI & Ors. decided on 24.7.1996 in which it was held that the applicant therein had on completing the requisite days of service acquired temporary status under the Casual Labour (Grant of Temporary Status & Regulations) Scheme 1993 circulated vide DPACR's O.m. dated 10.9.93. It was further held that the applicant therein having acquired temporary status, he could not have been summarily disengaged. On that view of the matter, directions were given to the respondents to re-engage the applicant and thereafter issue an order granting him the temporary status. Shri Gupta also pointed out in this context that

On

(10)

the applicant had worked in PAO (DAVP) for a period of 5 months whereafter he went to PAO (Main Sectt.) for two months, and at the time of his disengagement he was working in CGA's office. This, according to the 1d. counsel, belied the claim of the respondents that appointments were made separately in the individual offices. He emphasised that the employment units were to be considered distinct on the basis whether they had separate Heads of Departments and not whether they had separate Heads of Offices since there could be many Heads of Offices in the same Department.

5. Shri R.V. Sinha, 1d. counsel appearing for the respondents, has pointed out that no work was available and that the case of the applicant could be considered as and when the respondents have need for casual labour.

6. I have considered the matter carefully. It is clear from the details provided by the applicant, which have not been refuted by the respondents, that he had worked in three different offices of the PAO. Therefore, the plea of the respondents that each different sub-office under the PAO makes its own appointment of casual labour does not hold good. It is also not denied by the respondents that the applicant has put in more than 206 days of service and on that, in terms of the afore-mentioned scheme of DOP&T, he is entitled to be considered for conferment of the temporary status.

7. Having considered the matter carefully, I dispose of this O.A. with the following directions:

(i) The applicant having rendered the requisite service is entitled to the conferment of temporary status under the relevant scheme from the date he completed the minimum required service of 206 days.

(10)

11

(ii) The applicant's services were not disengaged by giving the requisite one month's notice. I therefore direct that he will be paid one month's wages within two months from the date of receipt of a copy of this order.

(iii) The respondents will re-engage the applicant in case any work of casual labour is available in any of the offices under the PAO in Delhi ~~in preference to his juniors and outsiders~~.

R. K. Ahdooja
(R.K. AHDOOJA)
MEMBER (A)

| avi |