

(14)

CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

O.A.No.2233/1997

New Delhi: this the 25<sup>th</sup> day of September, 1998.

HON'BLE MR.S.R.ADIGE, VICE CHAIRMAN (A).

Promla Devi,  
W/o Late Sh.Janeshwar Mistri,  
R/o-RZ-256/292, Gali No.4,  
Geetanjali Park,  
West Sagarpur,  
New Delhi.

.... Applicant.

(By Advocate: Shri U. Srivastava)

Versus

Union of India,  
through  
the Secretary,  
Ministry of Labour,  
Govt. of India,  
New Delhi.

..... Respondents.

(By Advocate: Shri R. V. Sinha)

ORDER

HON'BLE MR.S.R.ADIGE, VICE CHAIRMAN (A).

Applicant seeks re engagement and grant of temporary status.

2. Admittedly applicant had filed OA No.2859/9 impugning the termination of her services in July, 1990 by a verbal order and seeking reengagement and regularisation . That OA was dismissed on merits by order dated 21.4.95 (Annexure-A2). Thereafter, applicant filed OA No. 2145/95 seeking consideration for appointment as a Casual Labour against freshers and outsiders. That OA was disposed of by order dated 6.2.96 (Annexure-A4) with a direction to respondents to consider and dispose of her representation dated 7.5.95. Now applicant has come up with this third OA.

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3. In their reply to this OA respondents deny receipt of applicant's representation dated 7.5.95. They also deny applicant's averment contained in para 4.11 of this OA that she has worked with them on daily wages from 7.10.96 till 13.8.97 and contend that she worked with them as a daily rated coolie only from 7.10.96 till 7.11.96, which contention has not been challenged in any rejoinder.

4. In so far as applicant's claim for temporary status is concerned, in neither of the previous two OAs nor indeed in the present one has she been able to establish that she has put in the necessary number of days of continuous service for grant of temporary status under the Casual Labourers (Grant of Temporary Status & Regularisation) Scheme, 1993. As regards his claim for reengagement, she has mentioned the name of three persons in para 4.13 of her OA who, she states, were junior and outsiders and were engaged to her exclusion, but respondents have stated that they were engaged only for 90 days in 1996 and 1997 for pouring water in office coolers during the summer season and their services were dispensed with once the period was over and this averment has also not been denied in any rejoinder.

5. In the result, this OA is disposed of with the direction that subject to availability of work when respondents are considering engaging casual labourers, applicant's case should also

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be considered by them in preference to outsiders  
and those with overall lesser length of past  
service. <sup>in accordance with rules and instructions</sup> No costs.

*S. R. Adige*  
( S. R. ADIGE )  
VICE CHAIRMAN (A).

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