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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A. No. 2415/97
with
O.A. No. 2414/97

New Delhi this the 22nd Day of April 1998

Hon'ble Shri R.K. Ahooja, Member (A)

1. Naresh Kumar,
2. Bijender Singh,
3. Ramesh Kumar,
4. Satbir Singh,
5. Ranbir Singh,
6. Dharambir Singh,
7. Gajey Singh,
8. Rohtash,
9. Virender,
10. Ramesh

All the above mentioned applicants are
Badli Workers, in Delhi Milk Scheme and

C/o R.S. Rawat, Advocate
2151/17A/12, New PatelNagar,
New Delhi-110 008

Petitioners

(By Advocate: Shri R.S. Rawat)

-Versus-

1. Union of India,
Through the Secretry,
Ministry of Agriculture,
(Deptt. of A.H. & Dairying),
Krishi Bhawan,
New Delhi-110 001

2. General Manager,
Delhi Milk Scheme,
West Patel Nagar,
New Delhi-110 008.

Respondents

(By Advocate: Shri Rajeev Bansal)

ORDER (Oral)

Both sets are being disposed of by this common order. The applicants,

(+16) in number, submit that they were engaged as Badli
Workers by the Delhi Milk Scheme from 1987 and worked as
such for varying periods till March 1994. From March
1994 to February 1995, they rendered 240 days service in
a period of 12 months and thus became eligible for
transfer to the regular establishment of Mates on the
basis of Certified Standing Orders dated 15.6.1992

As ordered by
Court in
dated 30.6.98
6/7/98



issued issued by the Certifying Officer and Additional Chief Labour Commissioner (Central), New Delhi. On that basis the applicants have sought a direction to be issued to the respondents to transfer the applicants to the regular establishment of Mates from the 1st day of the following month in which they completed 240 days attendance in 12 months. They have also sought a direction for payment of arrears of pay, right from the date of their regularisation and to grant to them all other benefits.

2. The respondents have admitted in the reply that there are two types of staff in Delhi Milk Scheme viz., regular employees and daily paid. Whereas, service conditions of regular employees are governed by Fundamental Rules and Supplementary Rules, the daily paid staff are governed by ~~Certified~~ Standing Order. Such daily paid workers are engaged in lieu of the staff who are either absent or are on leave. They state that the applicants are daily paid workers. The respondents admit that as per clause III of the ~~Certified~~ Standing Orders, and the decision of the Tribunal OA No. 1564/90 they are eligible for consideration for being taken on regular strength but that they cannot be so considered for want of regular vacancies. However, as per the scheme pertaining to casual labourers, which has been notified by the DMS, in 1993, temporary status has already been conferred on the applicants on 26.11.1997.

3. Learned counsel for the applicants has relied on the judgement of the Tribunal. O.A. No. 1059/87 decided on 21.10.87 DMS employees Vs. Union of India and Others. In that case on similar facts and

Or



circumstances directions were given to the DMS, that the daily rated Mates who had actually worked for not less than 240 days in any period of 12 months should be transferred to the regular establishment with effect from the first day of the month immediately following the 12th month of the said period. Shri Rajeev Bansal appearing for the respondents argues that the said judgement is of 1987 and since then new instructions have come into force in 1993 whereby casual labourers are granted temporary status after rendering 240 days of service in any period of 12 months and it is only thereafter that they are to be considered for regularisation subject to availability of vacancies.

5. I have considered the matter carefully. It is stated by the respondents themselves that the daily rated workers working in the DMS are governed by the Certified Standing Orders which provide for transfer of such of them who have rendered 240 days in service in a period of 12 months to the regular establishment. This being so, the case of the applicant is to be regulated in terms of directions given by this Tribunal in OA 1059/87. However, as regards the relief sought by the applicant in regard to payment of wages from March 1995, the same has to be decided in terms of the time frame in which they have approached this Tribunal. It is noted in that context that the present OA has been filed on 11.10.1997.

6. In the light of the above discussion, this OA is disposed of with the following directions:

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1) ^{Since the applicants} have completed 240 days in a period of 12 months, the respondents will transfer them to the regular establishment w.e.f. 1st day of the month immediately following the 12 months of the said period.

2) The respondents should issue necessary orders and ^{pay}~~make~~ the difference of salary etc., to them from one year preceding to the date of filing their application in this Tribunal i.e. 11.10.1997. This shall be done within a period of 4 months from the date of communication of this order.

R. K. Ahooja
(R.K. Ahooja)
Member (A)

Mittal