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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O. A. No. 2531 of 1997

New Delhi, dated this the 5th August, 1998

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

S/Shri

1. Ajay Pal Singh,
S/o Shri Daya Singh,
R/o House No. 57, Purvawali,
P.O. Ganesh Pur,
Dist. Haridwar (U.P.)
2. Megh Raj,
S/o Shri Balram,
R/o Vill. & P.O. Saleempur Bhoobra,
Dist. Saharanpur (U.P.).
3. Dharam Singh,
S/o Shri Phool Singh
R/o Vill. Klotka,
Distt. Haridwar (U.P.).
4. Joginder Kumar,
S/o Shri Gajpal Singh,
R/o Vill Teliwara,
P.O. Danoori,
Dist. Haridwar (U.P.).

.... APPLICANTS

(By Advocate: Mrs. Rani Chhabra)

Versus

1. Union of India through
Ministry of Communications,
Sanchar Bhawan,
New Delhi.
2. The Chief General Manager, West,
Dehraun.
3. The General Manager,
Telecom.,
Saharanpur (U.P.)
4. The Sub-Divl. Engineer,
Telephones,
Roorkee, U.P.

.... RESPONDENTS

ORDER (Oral)

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

Applicants impugn Respondents' notice dated 30.9.97 (Ann. P-I) served upon each of them, intimating that they cannot be granted temporary status and their services are being terminated within 30 days of receipt of the aforesaid notice. They seek conferment of temporary status in accordance with the Casual Labourers (Grant of Temporary Status and Regularisation) Scheme, 1989 w.e.f. the date they became eligible on completion of 240 days in one year with all consequential benefits.

2. I have heard applicants' counsel Mrs. Rani Chhabra and respondents' counsel Shri Madhav Panikar.

3. Shri Panikar has stated that the impugned notices have been issued pursuant to respondents' O.M. dated 17.12.93 (Ann. A-12) which states that the services of casual mazdoors who had not rendered atleast 240 days (206 days in the case of administrative offices observing 5 days a week) of service in a year on the date of issue of the issue of the orders should be terminated. In the impugned notices dated 30.9.97 it has been stated that only such of those casual mazdoors are eligible for grant of temporary status in accordance with the aforesaid O.M. dated 17.12.93, who have rendered 240 days of service each year during the period June, 1988 to

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December, 1993, and as applicant have not put in the requisite period of service, they cannot be granted temporary status and their services shall be terminated within 30 days of receipt of the notices.

4. In this connection Mrs. Chhabra has invited my attention to the CAT, PB judgment dated 21.7.94 in O.A. no.340/94 Ram Kishan & Ors. Vs. UOI & Ors. wherein the very O.M. dated 17.12.93 was judicially reviewed. In that O.A., applicants had been able to satisfy the Bench that they had rendered 240 days of service in one particular year between 28.5.93 to 28.1.94. The impugned notices informing them that their services would be terminated were quashed and set aside and respondents had been directed to consider the cases of the applicants for grant of temporary status under ^{the} Scheme on the footing that they had rendered services for the period of 240 days in one particular year. Again in judgment dated 17.7.96 in O.A. No.429/96 Samod Kumar & Anr. Vs. Secretary, Dept. of Telecom. & Ors. it has been made clear that casual labourers who commenced their services even after the commencement of the Scheme would be entitled to grant of temporary status on the completion of 240 days of service, and the ^{benefits of the} ^{was} Scheme which ^{was} evolved for the purpose of

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granting certain benefits to casual labourers who had been continuously engaged, could not be denied to them on the ground of a cut off date.

5. Nothing has been shown to me by respondents' counsel to suggest that the aforesaid judgments in Ram Kishan's case (Supra) and Samod Kumar's case (Supra) have been stayed, modified or set aside either.

6. In the light of the aforesaid judgment in Ram Kishan's case (Supra), which has not been overruled, and Respondents' O.M. dated 17.12.93 which does not specifically lay down that the casual mazdoors should have put in 240 days of service in each year from June 1988 to December, 1993 for grant of temporary status it would suffice if the casual mazdoors have completed 240 days of service in one particular year of 365 days, which could include a part of one calendar year and a portion of next calendar year (e.g. 28.5.93 to 28.1.94) as noticed in Ram Kishan's case (Supra) for grant of temporary status.

7. As per chart appended with respondents' reply (Respondents' right to file their reply was forfeited by order dated 2.7.1998), as well as other materials on record it cannot be denied that in the light of what has been stated above all the applicants

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before me possess the necessary length of continuous service with the respondents for grant of temporary status in accordance with the aforesaid Scheme.

8. In the result the O.A. is allowed. The impugned notices dated 30.9.97 are quashed and set aside. Respondents are directed to pass necessary orders granting temporary status to applicants w.e.f. the date they complete the required number of days of service in accordance with what has been stated above, and while doing so they should keep in view the contents of the judgment in Ram Kishan's case (Supra). These directions should be implemented within three months from the date of receipt of a copy of this order. No costs.

Adige
(S.R. ADIGE)
Vice Chairman (A)

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