

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No. 2764 of 1997

New Delhi, dated this the 2nd June, 1998

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

Shri Subhash Chand,
S/o Shri T.R. Nagar,
R/o C-II/11, Madangir,
New Delhi-110062. APPLICANT

(By Advocate: Shri S.M. Rattanpaul)

Versus

1. Union of India through
the Secretary,
Dept. of Education,
Ministry of Human Resource Development,
Room No. 112-C, Shastri Bhawan,
New Delhi-110001.
2. The Secretary,
Dept. of Youth Affairs & Sports,
Ministry of Human Resource Development,
Room No. 102-C, Shastri Bhawan,
New Delhi.
3. The Under Secretary (General),
Dept. of Youth Affairs & Sports,
Ministry of Human Resource Development,
Room No. 508-C, Shastri Bhawan,
New Delhi. RESPONDENTS

(By Advocate: Shri R.P. Aggarwal)

Versus

JUDGMENT

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

Applicant impugns respondents' orders dated 28.10.97 (Ann. A-1); seeks reengagement with consequential benefits; grant of temporary status and eventual regularisation.

2. While there is some disagreement between him and respondents regarding the actual number of days put in by him as a casual labourer in Dept. of Youth Affairs & Sports, it is not denied that he had served as a casual labourer in that dept.

(2)

in the past. On 31.1.97 while disposing of O.A. No. 1397/96 filed by him, we had recorded respondents' counsel's statement at the bar made in the presence of the Deptl. Representative that they would have no objection reengaging him as a Safai Karamchari with immediate effect and the O.A. was disposed of in terms of that statement. Applicant was therefore reengaged by respondents as a casual labourer (sweeper-cum-farash) on daily wage basis vide order dated 2-2.97 but his services have again been terminated vide impugned order dated 28.10.97 for reasons contained therein. (9)

3. Respondents do not deny that applicant has put in more than 240 days of continuous service in a year to qualify for grant of temporary service in accordance with the Scheme announced vide O.M. dated 10.9.93 but assert that applicant is not entitled to its benefits as he was not working with them on the date of issue of the O.M.

4. It is now well settled that casual labourers who have put in the required 240 days of continuous service in one year are entitled to the grant of temporary status even if they were not actually in employment on 10.9.93.

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5. In the result applicant is entitled to the grant of temporary status and for that reason the impugned order dated 28.10.97 terminating his services with immediate effect cannot be sustained. It is accordingly quashed and set aside. Respondents are directed to take applicant back in service within one month from the date of receipt of a copy of this judgment and in case applicant's services are not required, respondents shall dispense with the same only by giving him one month notice in writing. Applicant will be entitled to all the benefits conferred as a result of grant of temporary status in accordance with the Scheme. Applicant will however not be entitled to wages for the period he was not engaged by respondents.

(10)

6. As regards claim for regularisation, Shri Rattanpaul has contended that certain regular vacancies are available in Dept. of Culture, which is also under the same Ministry viz. Ministry of Human Resource Development, against which applicant could be considered for regularisation along with others. Respondents should examine this aspect also in accordance with

(4)

✓ rules and instructions, while implementing the directions contained in Para 5 above.

7. This O.A. succeeds and is allowed to the extent contained in Paras 5 & 6 above. No costs.

Anfahgo

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

/GK/