

Central Administrative Tribunal
Principal Bench

O.A.No.2818/97
M.A.No.2845/97

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

New Delhi, this the 6th day of August, 1998

1. S.P.Khugsa1
Working President
Canteen Mazdoor Sabha
1547, Lodhi Complex
New Delhi-3.
2. Kulanand
c/o Health Canteen
Ministry of Health and Family Welfare
Nirman Bhawan
New Delhi-11.
3. Raju
c/o Health Canteen
Ministry of Health and Family Welfare
Nirman Bhawan
New Delhi - 11.

... Applicants

(By Shri S.L.Hans, Advocate)

Vs.

1. Union of India through
Secretary
Ministry of Health and Family Welfare
Nirman Bhawan
New Delhi - 11.
2. Chairman
Departmental Canteen
Ministry of Health & Family Welfare
Nirman Bhawan
New Delhi - 11.

.. Respondents

(By Shri S.Mohd. Arif, Advocate)

O R D E R (Oral)

This application has been filed by one Shri S.P.Khugsha1, Working President of Canteen Mazdoor Sabha and Others.

2. The Working President of the Canteen Mazdoor Sabha has not sought any personal relief nor has been able to show in what way the interests of the members are affected. It has also not been shown that it is a

12

recognised Union. However Applicants No.2 and 3 are entitled to come before the Tribunal with their grievance.

3. The case of the Applicants No.2 and 3 is that though they had been granted temporary status w.e.f. 1.9.1993, the respondents did not pay them correct wages along with DA and Interim Relief as well as annual increments in accordance with the terms laid down in their Office Order dated 15.2.1995, a copy of which is enclosed at Annexure A1. On that basis they seek a direction to the respondents to pay the arrears in respect of their salary and allowances from 1.9.1993 to 28.2.1995 and again from January, 1996 till date. They also seek regularisation on completion of three years temporary status service w.e.f. 1.9.1993. The respondents in reply have stated that all the dues and arrears have been paid to them. As regard regularisation they say that there was a ban imposed by the Government on filling up of the posts. However the applicants will be considered for regularisation as and when vacancies are available.

4. I have heard the learned counsel on both sides. The learned counsel for the applicants states that the respondents made the payment of arrears only after the present OA was filed. Further more, there is some dispute regarding the exact amount paid to the applicants. According to the learned counsel for the applicants, applicants allege that the the respondents have paid a sum of Rs.10,702/- and Rs.10,582/- to applicant No.1 and 2 respectively while the signatures were obtained for a sum of Rs.20,000/-. This was denied

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by the learned counsel for the respondents. Be that as it may, this is not a matter which can be gone into by this Tribunal. I find, after perusing the record, that the arrears in respect of pay and allowances have been duly made by the respondents. However, there is no indication that the respondents have made the payment of interim relief of Rs.100/- p.m. allowed to them as per Annexure-A1. The respondents have to check the records and provide the details to the applicants if it is their stand that such a payment has been made.

5. As regards the question of regularisation, the Scheme for grant of temporary status and regularisation does not provide for automatic regularisation after completion of three years service from the date of their temporary status done. Regularisation is subject to availability of a vacancy and that is subject to Government's policy decision to fill such a vacancy. Here there was a ban on filling up of vacancies. The Government therefore cannot be asked to change its policy and regularise the casual labour who have a temporary status. The learned counsel for the applicant submits that the ban has already been lifted by the Government. The learned counsel for the respondents has no instructions on this subject. In the facts and circumstances the OA is disposed of with the following directions:

a) The respondents will provide a statement to applicants No.2 and 3 giving the details monthwise of arrears paid to them. This will be done within two months.

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14

b) The respondents will verify whether the Interim Relief Rs.100/- has been paid to the applicants.

If it has been paid relevant copies of the records may be supplied to the applicants in proof thereof. If not the same should be done within two months from the date of receipt of a copy of this order.

c) The respondents will consider the case of Applicants No.2 and 3 for regularisation as and when vacancies are available, in accordance with their seniority.

The OA is disposed of as above. No costs.

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

/rao/