

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. No. 2330/94

New Delhi this the ~~21st~~ Day of March 1998

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

1. Anirudh Yadav,
S/o Shri Rambali Yadav,
resident of Nerui Amwa,
P.O. Barpar,
Distt. Deoria, UP
 2. Ashok Kumar Sharma,
Son of Rajendra Singh,
Resident of Vijay Nagar,
By pass road, Ghaziabad, UP
- Petitioners

(By Advocate: Mrs. Rani Chhabra)

-Versus-

1. Union of India,
through its Secretary,
Ministry of Communication,
Department of Telecommunication,
Sanchar Bhawan, New Delhi.
 2. Sub Divisional Officer,
Phones (I), Patel Marg,
Ghaziabad.
 3. Sub Divisional Officer,
Phones II, Raj Nagar.
 4. Junior Telecom Officer,
(I/D), O/O SDO Phones (I)
Patel Marg, Ghaziabad.
 5. Sub Divisional Officer,
Phones II, Patel Marg,
Ghaziabad.
- Respondents

(By Advocate: Shri B.K. Punj, proxy for
Shri M.M. Sudan, counsel for the Respondents)

ORDER

Applicant No. 1 claims that he was initially recruited as casual labourer in the Department of Telecommunications in December 1983. He worked in that capacity up to May 1985 as is shown in the certificate at

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Annexure A2. He was again given employment w.e.f. 8.7.1993 under respondent Nos. 2 & 4 and worked up to 28.2.1994. Thereafter during March and April 1994 he was given employment under Respondent Nos. 2 & 3 for a period of two months. Finally, from May 1994 to September 1994 he worked with respondent No. 2 on ACG 17 basis but the payments were not given in his name. Similarly, applicant No. 2 submits that he was recruited as casual labourer in June 1992 whereafter he worked continuously upto September 1992. However, payments were made to him on ACG 17 basis. Payments from June 1993 were also made in the names of different persons. From May 1994 onwards no work has been assigned to applicant No. 2.

2. Based on the above stated claim of service, both the applicants have sought a direction to the respondents to set aside their termination from service and to direct the respondents to confer upon them temporary status in accordance with the Scheme applicable to Casual Labour.

3. The respondents in their reply submit that the scheme known as "Casual Labourer Conferment of Temporary Status" 1989 is applicable only to those casual labourers who were engaged after 31.3.1985 and were continuously engaged till 1.10.1989. However, applicant No. 1 worked only for 146 in the year 1993 and 135 days in the year 1994 under different respondents. The second applicant was engaged only for 98 days in the year 1992. Neither of the applicant, thus completed 240 days in any calendar year and as such they are therefore not eligible to the grant of temporary status.

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4. I have heard the counsel on both sides. It is applicants' own case that they worked for various periods on ACG 17 basis and even the payments made to them were in the name of various other persons. Mrs. Rani Chhabra, learned counsel for the applicants sought to establish the claim of the applicants on the basis of the identity cards ^{issued} to them. Employment on Muster Roll and on ACG 17 basis is different in substance as in the latter case it is on day to day basis and the records and the records maintained are also of a summary nature. In view of the admission of the applicants that payments were received in different names, I consider that no notice can be taken of the period of engagement claimed by the applicants on ACG 17 basis. It is also not possible to go into the veracity of the claim of service rendered by the applicant No. 1 way back in 1983 to 1985 as the applicant did not come in proper time to seek relief on that basis. Thus only leaves the period of engagement admitted by the respondents who say that applicant No. 1 worked for 146 days in the year 1993 and 135 days in 1994 while the applicant No. 2 worked only for 98 days in the year 1992 and for 234 days in the year 1993. It has not been shown by the applicants that the services constituted a period of 240 days in one year in either case. That being so the applicants are not entitled to any relief on the basis of the scheme for grant of temporary status to casual labourers.

5. In the light of the above discussion, the OA is dismissed. There will no order as to costs.

R. K. Ahuja
(R.K. Ahuja)

Member(A)

Mittal