

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA-308/94
MA-455/94

(b)

New Delhi this the 18th Day of October, 1994.

Hon'ble Mr. Justice S.K. Dhaon, Vice-Chairman(J)
Hon'ble Mr. B.N. Dhoundiyal, Member(A)

1. Shri Balwant Prasad,
S/o Sh. Ram Jatan Prasad,
C/o Shri Gauri Shanker,
Central P.W.D.,
Civil Enquiry Office,
60, Tagore Road,
Minto Road,
New Delhi.

2. Shri Buta Ram,
S/o Sh. Tulsi Ram,
C/o Sh. Gauri Shanker,
Central P.W.D.,
Civil Enquiry Office,
60, Tagore Road,
Minto Road,
New Delhi.

Applicants

(through Sh. S.M. Rattanpaul, counsel)

versus

1. Union of India,
through Director General of Works,
Central P.W.D.,
Nirman Bhawan,
New Delhi-1.
2. The Chief Engineer,
Central P.W.D.,
Boarder Fencing Zone,
East Block,
R.K. Puram,
New Delhi.
3. The Superintending Engineer,
Central P.W.D.,
Boarder Fencing Division,
East Block,
R.K. Puram,
New Delhi.
4. The Executive Engineer(Civil),
Central P.W.D.,
Boarder Fencing Division,
Madhopur Division,
Madhopur,
Tehsil : Pathankot,
Distt. Gurdaspur,
Punjab.-

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5. The Executive Engineer,
Central P.W.D.,
Boarder Fencing Division,
East Plock-I, R.K. Puram,
New Delhi.

Respondents

(through Sh. M.M. Sudan, advocate)

ORDER(ORAL)

delivered by Hon'ble Mr.Justice S.K. Dhaon, Vice-Chairman(J)

A counter-affidavit has been filed. The learned counsel for the parties have been heard.

Though the O.A. has not been formally admitted so far, we are disposing of the same with the consent of the learned counsel for the parties.

The undisputed facts are these. The applicants were engaged as casual labours. They completed 240 days of service with the respondents on or before 10.9.1993. The casual labours (Grant of Temporary Status and Regularisation) Scheme of Government of India, 1993 is applicable to them. Their services were terminated with effect from 1.1.1994. The applicant No.1 was re-engaged on 11.4.94 and the applicant No.2 was re-engaged on 12.4.94.

The admitted facts indicate that both the applicants were entitled to be given benefit of the aforesaid Scheme. The learned counsel for the respondents has fairly stated at the Bar that hereafter the applicants will be accorded a temporary status.

The learned counsel for the applicants has urged that the services of the applicants have been dispensed with in violation of the directions in paragraph-7 of the Scheme which provides that one

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month's notice must be given to an employee prior to the termination of his services. This admittedly has not been done in the present case. However, the applicants will not be entitled to back wages during the period 1.1.1994 to 11.4.94 and 12.4.1994, as the case may be, as a matter of right. The authority concerned shall examine the cases of the applicants for being given back wages during the aforesaid periods and the applicants will have to satisfy it that they were not gainfully employed elsewhere during the aforesaid periods. If the authority is so satisfied, back wages for the aforesaid period shall be given to the applicants. We direct the respondents to treat the applicants as having acquired a temporary status.

With these directions, the o.A. is disposed of finally.

No costs.

B.N. Dholiyal
(B.N. Dholiyal)

Member(A)

S.K. Dhaon
(S.K. Dhaon)

Vice-Chairman

/vv/