(4)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCPAL BENCH: NEW DELHI

C.P. No. 6/98
in
O.A. No. 687/96

With

(15)

C.P.No. 12/98
in
O.A. No. 1543/96

New Delhi this the 5th Day of August 1998

Hon'b.e Mr. Justice K.M. Agarwal, Chairman (A)
Hon'ble Mr. R.K. Ahooja, Member (A)

O.A. No. 687/96

1. Shri Vijay Pal
S/o Shri Chajjan Singh
R/o Pawli Khurud, Meerut,
P.O.Modipuram.

2. Shri Arjun Singh,
S/o Shri Ram,
R/o Village Sultanpur Biloni,
P.O. Rahimkot Distt.
Bulandashahar.

3. Shri Bahadur,
S?o Shri Parmeshwar Yadav,
R/o H.No. 312, Topkhana Bazar,
Meerut Cantt.

4. Shri Karam Chand
S/o Shri Kalu Ram,
R/o Village Dadwal P.O. Booni,
Distt. Hameerpur (H.P.)

5. Shri Lala Ram,
S/o Shri Babu Ram,
R/o Kothi No. 261, Khanna Camp.,
Meerut.

6. Shri Kamal Singh,
S/o Shri Ram,
S/o Sultanpur Biloni,
P.O. Raheemkot.

7. Shri Kali Ram,
S/o Shri Prithvi Singh,
R/o Village Bicholi, P.O. Rajpura,
Distt. Meerut.

8. Shri Kali Charan,
S/o Shri Jai Karan,
R/o Village Badhla, Kaithwara,
P.O. Sisoli, Distt. Meerut

d

9. Shri Anil Chauhan,
S/o Shri Ram Singh,
R/o H.No. 168/1 Nangla Batti,
Pragati Nagar,
Meerut.

10. Shri Iqlak
S/o Shri Shakur,
R/o Kothi No. 261, Khanna Camp.
Meerkt. Petitioners

(By Advocate: Shri Surinder Singh)

Vs

Union of India through

1. The Defence Secretary,
Ministry of Defence,
South Block,
New Delhi.

2. The Director General
Supplies & Transport
Army Headquarters,
Sewa Bhawan,
New Delhi

3. The Commanding Oficer,
No. 40, ASC Supply DCepot.
Meerut Cantt.

4. CDA (M 4 Section)
Meerut Cantt.

(By Advocate: Shri M.M. Sudan)

O.A. No. 1543/96

1. Shri Brij Pal,
S/o Shri Charna,
R/o Billage Nagla Shekha,
Teh. Meerut.

2. Shri Naresh Kumar,
S/o Shri Bishweshwar Nath
MFS Godham, H.No. 14,
R.A. Lines, Meerut Cantt.

3. Smt. Jasoda,
W/o Shri Motilal,
C/o Phool Chand Sonkar,
H.NBo.. 990, Jaman Mohalla,
Lal Kurti,
Meerut Cantt. Petitioners

(By Advocate: Shri Surinder Singh)

Vs

Union of India through

1. The Defence Secretary,
Ministry of Defence,
South Block,
New Delhi.

2. The Director General
Supplies and Transport,
Army Headquarters,
Sena Bhawan,
New Delhi.

3. The Commanding Officer,
No. 40, ASC Supply Depot.,
Meerut Cantt.

4. CDA (M 4 Section)
Meerut Cantt. Respondents

(By Advocate : Shri M.M. Sudan)

ORDER

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

The petitioners allege non-compliance of the direction of this Tribunal in its common order in OA No. 1543/96 and OA No. 687/96. The operational part of this order is reproduced below:

> In the light of the above discussion, the OA is disposed of with direction that in case a representation regarding non availability of the benefits specified in Para 5 of the Scheme is made by the applicants, the respondents will take action and grant the relevant benefits within two months from the date of receipt of such a representation. No cost.

2. Specifically the petitioners allege that respondents were not granting the benefits of increments, Leave entitlement, Productivity linked Bonus to provide employment elsewhere, where work is available to the petitioners.

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3. The respondents have submitted a compliance report in which they have denied the allegations of the petitioners. They submit that the petitioners have been given bonus for the year 1993-94 and 1994-95. Bonus has not been paid for the latter years as the petitioners did not fulfil the condintions attached to the Government of India order for payment of such bonus. They also stte that increments due have also been releayed and Leave entitlements have also been granted. As regards petitioners re-engagement, the respondents submit that this claim have been decided by the Tribunal in its order.p

4. We have heard the counsel. It is an admitted position that bonus has been paid for 1993-94 and 1994-95. As regards subsequent years the learned counsel for respondents has produced a copy of OM No. 14(1)-E-Coordi/97 dated 3.10.1997 issued by the Department of Expenditure on grant of ad-hoc bonus to the Central Government Employees for the year 1996-97. The provisions as regards casual labour is in para 2(iii) and is reproduced below:

> Para 2(iii)
>
> The casual labour who have worked for at least 240 days for each year for 3 years or more, will be eligible for this ad hoc payment. The amount will be paid on a notional monthly wage of Rs. 750/-. The amount of ad hoc bonus payable will be (Rs. 750x30 / 31) i.e. Rs. 725.80 (rounded off to Rs. 726/-. In cases where the actual emoluments fall below Rs. 750/- per month, the amount will be calculated on actual monthly emoluments.

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5. The contention of the respondents is that the petitioners are ineligible since theyhave not completed 240 days of service in each year for 3 years or more. Shri Surrinder Singh, learned counsel for the petitioners argued that this condition does not apply to casual labourers with temporary status. We do not agree with this interpretation. Para 5 (vii) of OM dated 10.98.1993 giving the grant of temporary status reads as follows:

> "Until theyare regularised, they would be entitled to Productivity Linked Bonus/Ad hoc bonus only at the rates as applicable to casual labourers" (Emphasis supplied).

The above provision read with the stipulation 2(iii) of the OM dated 10.9.1993 clearly indicates that the condition in respect of minimum 240 days of service in each year for 3 years is a pre-requisite to the entitlement for grant of bonus. Since there is no claim that petitioners fulfil the required condition, We can find no fault with the respondents.

6. In respect of grant of increment also we find that casual labourer with temporary status must have service of 240 days in a year to qualify for the grant of increment. The petitioners have failed to show that any one who fulfils this condition has not been granted increment.

7. As regards leave entitlement it is the case of the respondents that this entitlement has been granted as per OM dated 10.9.1993. Leave entitlement will be on a pro-rata basis at the rate of

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one day for every 10 days of work; casual or any other kind of leave, except maternity leave, will not be admissible. They will also be allowed to carry forward the leave at their credit on their regularisation. They will not be entitled to the benefits of encashment of leave on terminationof service for any reason or on they quitting service. In the absence of any proof that leave applied for was refused, we cannot accept the allegation of the petitioner.

8. The petitioners are not right in stating that a specific direction was given to the respondents to re deploy the petitioners where work was available. It was only noted that the matter was receiving the attention of the DG concerned in the Army Headquarters. For the reasons aforementioned, we find no dis-obedience of the order of this Tribunal in this respect

Accordingly, CP~~s~~ are ~~is~~ dismissed and the notices issued to the respondents are hereby discharged.

True Copy
Attested

PRITAM SINGH
Court Officer
Central Administrative Tribunal
Principal Bench
Faridkot House, New Delhi

(K.M. Agarwal)
Chairman

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

Mittal