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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.1134/2000

New Delhi, this 19th day of October, 2000

Hon'ble Shri M.P. Singh, Member(A)

1. Jagdish Singh
2. Hoshiyar Singh
3. Satish Kumar
4. Ramesh Chandra
5. Trivedi
6. Dheeraj Kumar
7. Prem Chand
8. Naresh Kumar
9. Mukesh Kumar
10. Ms. Vimla
11. A. Shravan
(All working as part-time casual labourers
under the respondents) .. Applicants

(By Ms. Raman Oberoi, Advocate)

versus

Union of India, through

1. Secretary
Intelligence Bureau
Ministry of Home Affairs
North Block, New Delhi

2. Assistant Director
Intelligence Bureau
Ministry of Home Affairs
East Block VII, R.K.Puram, New Delhi .. Respondents

(By Shri R.V.Sinha, Advocate)

ORDER

Heard the learned counsel for the contesting rival parties and perused the records. The only short point that needs to be adjudicated in this case is whether the applicants, engaged as part-time casual labourers, can legally claim grant of temporary status and/or regularisation as per the provisions of the Scheme dated 10.9.93 framed by the Department of Personnel & Training in pursuance to the directions of this Tribunal.

2. It is the case of the applicants, 11 in number, that they were initially engaged as casual labourers (Safai Karmcharis) on part-time basis for different short spells during the



period from 2.11.98 to 26.5.2000, after which respondents have replaced their services by another set of persons by order dated 1.6.2000 for doing the same nature of job which the applicants were earlier doing. They have challenged the order dated 1.6.2000 inter alia seeking directions to the respondents to re-engage the services of the applicants with full backwages and grant of temporary status and further regularisation of their services.

3. It is the case of the respondents that the applicants were engaged as part-time casual workers to tide over the exigencies of work after which they were disengaged in the absence of any work for them. They contend that the Scheme dated 10.9.93 relied upon by the applicants is not applicable in case of part-time casual labourers.

4. Learned counsel for the applicants has cited a catena of judgements delivered by this Tribunal particularly that of the Full Bench in the case of Sakkubai & Anr. Vs. Secretary, Ministry of Communications & Ors. in OA 912/92 and OA 961/92 decided on 7.6.1993 to contend that the Scheme dated 10.9.93 is applicable to part-time casual labourers also. She has further placed reliance on the judgement of the apex court in the case of Central Welfare Board & Ors. Vs. Ms. Anjali Bepari & Ors. (1996(2) SLJ 316 decided on 2.8.1996 in support of her contentions.

5. Learned counsel for the respondents, on the other hand, has relied on the decision of the apex court in the case of



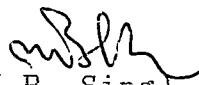
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Secretary, Ministry of Communications & Ors. Sakkubai & Anr.

JT 1998(SC) 297 decided on 2.4.97 wherein it was held that "The Tribunal was not right in coming to the conclusion that the scheme for conferring temporary status on full-time casual labourers is also applicable to part-time casual labourers. In view of the clarification which has been made by the learned counsel for the appellants, we do not find it necessary to give any further directions". He has also brought to my notice the clarification issued by the DoP&T dated 12.7.94 subsequent to the Scheme dated 10.9.93 wherein it has been categorically stated that temporary status cannot be granted to part-time casual employees. Thus, I am of the considered view that the judgements cited by the learned counsel for the applicants do not extend any help to her.

6. In view of the aforesaid legal position coupled with the clarification issued by the DoP&T, I am unable to grant the relief prayed for by the applicants. The OA is devoid of merits and is liable to be dismissed. I do so accordingly.

7. While parting, I like to make it clear that the above order shall not preclude the respondents in re-engaging the applicants as and when work of the nature against which they were previously engaged is available in preference to freshers/outsiders. There shall be no order as to costs.


(M.P. Singh)
Member(A)

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