

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No.1162 of 2000

New Delhi, this the 22th day of February, 2001

HON^{BLE} MR.KULDIP SINGH, MEMBER(JUDL)

Kamlesh Kumari
W/o Shri Vijay Kumar
R/o OBR-25A, Shalimar Bagh,
Delhi-110 052.

-APPLICANT

(By Advocate: Shri Naresh Gambhir, proxy for Shri G.
Saxena, Counsel)

Versus

1. Union of India
(through the Secretary)
to the Government of India
Ministry of Finance,
Central Secretariat,
North Block,
New Delhi-110 001.

2. Authority for Industrial and
Financial Reconstruction,
Govt. of India,
Ministry of Finance,
10th Floor, Jeevan Prakash Building,
25, Kasturba Gandhi Marg,
New Delhi-110 001.

-RESPONDENTS

(By Advocate: Shri Sushil Kumar, proxy counsel for
Shri V.S.R. Krishna)

O R D E R(ORAL)

By Hon^{ble} Mr.Kuldip Singh, Member(Judl)

The applicant in this case has claimed for the
following reliefs:-

(i) To direct the respondents to re-engage the
applicant forthwith with all consequential benefits.

(ii) To direct the respondents to confer a
temporary status on the applicant in terms of the Govt.
of India Scheme circulated vide DOP&T O.M. No.
61016/2/90-Estt. (C) dated 10.9.1993 from the date the

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applicant completes 206 days of service i.e..
from August, 1996 onwards.

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(iii) To direct the respondents to pay arrears of wages which fell due and which they have to comply with under the provision of Section 25-F of the I.D. Act which deemed continuity in service.

2. The case of the applicant is that she was engaged on daily wage basis on 12.8.1996 along with one Shri Shambhu Prasad through the employment exchange and she remained in service till 2.2.1999. Her services were disengaged on 1.2.1999., Vide Annexure-D and she was reengaged on 22.2.1999, vide Annexure-E. Hence, the applicant claims that as she has put in more than 3 years and 6 months of service continuously, i.e., for more than 800 days @ 23 days normally in a month as against statutory requirement of 206 days in a year, therefore, she is entitled for conferment of a temporary status.

3. It is further pleaded that her colleague Shambhu Prasad who was also terminated in a similar manner had also filed an OA 1626/99 which has been allowed and she claims relief on the same ground.

4. Respondents are contesting the OA. They pleaded that the Tribunal has no jurisdiction to adjudicate the petition since a daily wage worker does not fall under the category of persons who can file a petition before the Tribunal because Section 14 of the

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Administrative Tribunal's Act, 1985 does not cover the cases of casual labourer, since casual labourers are not civil servants and holder of civil posts. However, it is admitted that the applicant was engaged on daily wage basis along with Sanjeev Kumar and Shambhu Prasad on 12.8.96.

5. It is further pleaded that since the applicant is not holder of any civil post so he is not entitled for the relief of conferment of temporary status and the OA deserves to be dismissed.

6. I have heard the learned counsel for the parties and gone through the record of the case.

7. From a perusal of the record as well as judgment given in OA 1626/99 it is clear that the colleague of the applicant, namely, Shri Shambhu Prasad has also been allowed the benefit of the Scheme of the DOP&T dated 10.9.93 and since there is no dispute regarding the number of working days which comes to 800 for the different periods, as alleged by the applicant, so I find that the OA has to be allowed. Accordingly OA is allowed and the respondents are directed to grant temporary status to the applicant, if he is eligible under the scheme dated 10.9.93 of the DOP&T within a period of 3 months from the date of receipt of a copy of this order. It is further directed that the applicant will also be entitled to be re-engaged if work of the


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same nature is available with the respondents.

8. OA is disposed of with the above directions.

No costs.


(KULDIP SINGH)
MEMBER (JUDL)

Rakesh