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CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

Original Application No.126 of 2000

New Delhi, this the 9th day of January, 2001

HON'BLE MR.KULDIP SINGH, MEMBER(JUDL)

Smt.Ram Rati
Wife of Shri Ram Kumar
R/o H.No.140, M.Bagh
Delhi (Behind Model Town P.S., Delhi)

-APPLICANT

(By Advocate: Shri D.R.Gupta)

Versus

1. Chief Secretary to the
Govt. of N.C.T. of Delhi
Old Sectt., Delhi

2. Director of Education
Govt. of N.C.T. of Delhi
Old Sectt., Alipur Road
Delhi

3. Deputy Director of Education(Sports)
Chattarpal Stadium, Model Town
Delhi

-RESPONDENTS

(By Advocate: Shri Ajay Gupta)

O R D E R

By Hon'ble Mr.Kuldip Singh, Member(Judl)

The applicant Smt.Ram Rati claims to have worked under respondents as a daily wage sweeper during the period from 1994 to 1998 with certain artificial breaks in different spells of service. She further claims that she has rendered more than 240 days of continuous service under respondents and has thus become eligible for grant of temporary status in terms of Government of India Scheme 1993. Applicant states that she has become eligible for regularisation also against any vacant post of Group 'D' category under Govt. of NCT Delhi. It is further pleaded that though the applicant had come forward to join in an earlier O.A.2500/98 but due to some inadvertence, her name was left out of memo of party and, therefore, she has filed the present OA.

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Applicant submits that on the basis of the judgement in OA-2500/98 which was filed by the similarly situated persons, she has also become entitled to all the benefits as have been extended to the applicants of that case. It is pleaded that applicant is entitled to continue in service so long the respondents have work on hand and her juniors are permitted to continue. As such, it is prayed that the order whereby the services of the applicant have been terminated, be quashed and it should be held that the applicant is entitled for re-engagement and conferment of temporary status.

2. Respondents are contesting the OA. At the outset, respondents have submitted that they had no intention to terminate the services of the applicant, arbitrarily. As per the requirement of the department, for the casual labour staff coaching centres, the file was moved to the Finance Department for obtaining necessary sanction but the Finance Department did not accord its sanction. Therefore, for lack of sanction from the Finance Department, applicant's services could not be continued. Respondents have further submitted that the applicant has rendered service as follows:

<u>Year</u>	<u>No. of days (Service rendered)</u>
1995-96	30 Days
1997-98	250 Days
1998-99	81 Days

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3. It is submitted that applicant is not eligible for conferment of temporary status. Besides that, it is also pleaded by the respondents that the O.A. is time barred and the same cannot be entertained.

4. I have heard learned counsel for the parties and gone through the records.

5. As far as limitation part is concerned, learned counsel for applicant referred to a judgement reported in 2000 (1) Total Judgments 153, Shish Pal Singh and ors. vs. Union of India & ors. wherein it was held as under:

"Casual Labour - Regularisation - Limitation - Applicant worked as a casual labour during the period 180-1982 - Acquired temporary status - Scheme for regularisation formulated - As per Scheme all casual workers up to 1.1.1981 were to be kept on the live register - Applicant's name was not in the live register - Junior to him re-engaged in 1997-98 - Held his application for re-engagement cannot be rejected on the ground of limitation - Cause of action accrued to him to 1997-98 and even otherwise the cause of action is a continuous one - Matter remitted to Tribunal for fresh disposal."

6. On the basis of the judgement in the case of Shish Pal Singh (supra), I am of the view that the cause of action in this case also arises to the applicant if a junior to her is engaged and since the applicant has categorically stated that juniors to her have been retained in service, so there is a cause of action in favour of the applicant.

[Signature]

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7. As far as work is concerned, that is available with the respondents since they have admitted that it was only because of lack of sanction from the Finance Department that they could not continue the services of the applicant. Otherwise respondents had no intention to terminate her services.

8. I find that there is considerable strength in the arguments of the applicant's counsel that the work is available with respondents and juniors to the applicant have been retained in service. Under the circumstances, I direct the respondents to re-engage the applicant in preference to juniors and freshers. If it is found by the respondents that applicant fulfils the eligibility conditions for conferment of temporary status in accordance with Govt. of India Scheme 1993, then they shall consider the applicant for grant of temporary status also.

9. O.A. stands disposed of with the above directions. No costs.


(KULDIP SINGH)
MEMBER(JUDL)

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