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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.1357/2000

New Delhi, this the 2nd day of May, 2001

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

1. Devinder Kumar
s/o Shri Hem Raj
r/o 56/ 4401, Rehgar Pura,
Karol Bagh, New Delhi.
2. Brijesh Kumar
s/o Shri Munna Lal
r/o RZ-83, Nala Par Basti,
East Sagar Pur,
New Delhi -64.
3. Om Parkash
s/o Shri Anirudh Rai,
r/o RZ-20 P, Palam Road East -
Sagar Pur, New Delhi -46.

... Applicant

(By Advocate: None)

V E R S U S

1. Secretary,
Ministry of Textiles,
(General Section)
Udyog Bhawan, New Delhi.
2. Union of India
Through its Secretary/Chief Secretary,
Ministry of Textiles,
Udyog Bhawan, New Delhi.

... Respondents

(By Advocate: Shri P.P. Roshan, proxy counsel for
Shri J.B. Mudgil, Counsel)

ORDER (ORAL)

By Shri Kuldip Singh, Member (J):

This is an OA filed by three applicants
with a permission to file a joint application.

2. The applicants in their OA have prayed as
under:-

(i) That the applicants may kindly be
ordered to be reinstated/taken on rolls on regular

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basis/permanent basis inasmuch as they have already worked with the respondents for more than 240 days regularly and without any break or the applicants may be absorbed in the existing Temporary vacancies, which posts are still existing and have been advertised vide order of the respondents till the creation of the regular/permanent vacancies or any other order which this Hon'ble Court deems fit and proper may kindly be passed in favour of the applicants.

(ii) That the precondition being put by the respondents for the release of the salary for the month of June, 2000 as per the pay bill register; to put signatures of Blank Papers which might be misused against the applicants, may kindly be declared to be an illegal condition and against the well settled principles of natural justice and breach of fundamental rights and violative of the constitutional provisions as contained in Articles 14, 19(1)(g), 20 and 21.

(iii) That the applicants besides the salary due for the month of June, 2000 may also be declared to be entitled to damages till the decision of the case on merits and the same may kindly be awarded to the applicants with 24% per annum interest from the date of illegal dismissal/laying-off till the date of reinstatement/ taking on the rolls.

3. The respondents are contesting the OA.



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4. I have heard the learned counsel for the respondents, since no one appeared for the applicant despite repeated calls and even on various previous occasions none had appeared for the applicant so I proceeded to decide the OA in accordance with Rule 15 of the CAT (Procedure) Rule.

5. From a perusal of the allegations, as alleged in the OA I find that the applicants are claiming that they had worked for more than 240 days and there are regular vacancies available with the respondents so the applicants are entitled to be absorbed in the existing temporary vacancies till the creation of regular permanent vacancies. Applicants also claim that they have not been paid wages for the month of June, 2000.

6. On the contrary respondents plead that the services of all the applicants had been dispensed with on 31.5.2000 as their services were not required by the department beyond that date. Respondents deny that the applicants had never worked beyond 31.5.2000.

7. Respondents also plead that the applicant No.1 Shri Devinder Kumar was engaged w.e.f. 17.11.1999 for a period of 89 days, applicant No.2 Shri Brijesh Kumar w.e.f. 24.11.1989 for a period of 89 days and applicant No.3 Shri Om Prakash w.e.f. 23.11.1999 for a period of 89 days. But after February, 2000 the applicants were retained to serve as casual labourers and they had worked upto 31.5.2000 and thereafter work was not available with the respondents so the services of the applicants had

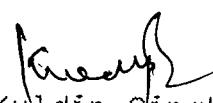


been dispensed with. The learned counsel appearing for the respondents submitted that since no work is available with the respondents so the question of absorbing the applicants against temporary/permanent vacancies does not arise.

8. I have given thoughtful consideration to the matter involved. The fact that the applicants were engaged by the respondents on daily rate casual basis or temporary basis initially for a period of 89 days is not denied by the respondent. But that much period for which the applicants had worked cannot be sufficient even for grant of temporary status or for regularisation of their services in accordance with the Scheme of the DOP&T dated 10.9.1993 as they have not yet been conferred with temporary status, so no directions can be given to the respondents as such no interference is called for in the present OA.

9. OA merits dismissal and the same is hereby dismissed.

10. However, before parting with the judgment I may mention that if and when work will become available with the respondents then the applicants shall be given preference over juniors and freshers.


(Kuldip Singh)
Member (J)

Rakesh