

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.1623/2000 with OA No.1535/2000

New Delhi, this 9th day of November, 2000

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

OA No.1623/2000

Brahma Singh & 27 others as mentioned
in Memo of Parties
(All working as casual labourers
in Central Water Commission,
New Delhi)

.. Applicants

(By Shri B.S. Mainee, Advocate)

OA No.1535/2000

Yog Raj & 18 others
as mentioned in Memo of Parties
(all working as casual labourers
in Central Water Commission,
New Delhi)

.. Applicants

(Shri S.S.Tiwari, Advocate)

versus

Union of India, through

1. Chairman
Central Water Commission
Sewa Bhavan, New Delhi

2. Director General, CRPF
PCP Directorate, CWC
R.K.Puram, New Delhi

.. Respondents

(By Shri R.V. Sinha, Advocate, in OA 2033/2000)

(By Shri K.R. Sachdeva, Advocate in OA 1535/2000)

ORDER

Heard the learned counsel for the parties and perused the records. The issues involved and the relief sought in these two OAs are identical. Hence, with the consent of the parties, both the OAs are proposed to be disposed of by a common order.

2. In OA No.1623/2000 applicants, 28 in number, claim to have been working as casual labourers invariably for the last 7 to 19 years, have completed more than 205





days in a year and therefore they are entitled to the grant of temporary status in accordance with DoPT's Scheme on the subject and regularisation thereof against Group D posts.

3. Similarly, in OA No.1535/2000 applicants, 19 in number, claim to have put in 206 days in a year during 1999-2000 and therefore they are entitled to the grant of temporary status with all consequential benefits in accordance with the Scheme cited supra. Applicants also claim that they had earlier been engaged as casual labours in different spells with artificial breaks.

4. To sum up, all the applicants are seeking directions to the respondents to grant temporary status upon them in accordance with the Scheme dated 10.9.93 and to adjust them against suitable Group D posts on regular basis inasmuch as that sufficient number of vacancies are available with the respondents for doing so.


5. Respondents in their counter to OA No. 1623/2000 while denying that any of the applicants has been working for the last 7 to 19 years, have submitted that the applicants have been engaged in their office as per the requirement and necessity of different works which is of purely casual and intermittent nature and became available for the office upkeep and maintenance, material handling etc. for more than 150 units/offices from time to time. Though no sufficient work to continue the applicants was available in the year 2000, in view of the interim order of this Tribunal they are

still continuing. They have submitted that 16 applicants have already been granted temporary status in accordance with the Scheme dated 10.9.93 while the remaining are not eligible as the scheme was conceived as a one time measure only and not a continuous process as clarified by DoPT on 2.12.94 and upheld by the Chandigarh Bench of the Tribunal in OA No.970-CH/1998 and other connected OAs decided on 10.2.1999. Respondents have not, however, denied the contention of the applicants about availability of 52 vacancies in Group D.


6. In OA No.1535/2000 also, the respondents have filed their counter almost on the above lines.

7. I have carefully gone through the judgements decided by the Chandigarh Bench, wherein OAs involving similar issue were dismissed by that Bench. However, the Hon'ble Delhi High Court has held in its decision dated 22.9.99 in CW No.963/98 that the scheme dated 10.9.93 is an on going scheme and not a one time concession. Similarly, the Principal Bench of this Tribunal in OA No.791/96 vide order dated 25.1.2000 has also taken the view that the Scheme is an on going one by directing the respondents to consider the applicants for grant of temporary status as per OM dated 10.9.1993.

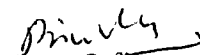
8. Faced with this situation, I am of the considered view that the present OAs can be disposed of having regard to the aforesaid decisions. I do so accordingly with the following observations.



9. Respondents are directed to consider grant of temporary status to the left out applicants on the analogy that the scheme dated 10.9.93 is an on going one and also consider regularisation of all the applicants in their turn keeping in view their eligibility criteria and seniority in accordance with the rules and instructions on the subject and, of course, subject to availability of regular vacancies in Group D. There shall be no order as to costs.


(M.P. Singh)
Member(A)

/gtv/


Court Officer
Central Administrative Tribunal
Principal Bench, New Delhi
Faridkot House,
Copernicus Marg,
New Delhi 110001