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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

Hon'ble Shri Shanker Raju, Member (Judicial)

O.A.No.1655/2000

New Delhi, this the 30th day of August, 2001

Smt. Promila Devi
widow of late Janeshwar Mistry
r/o RZ-256/292, Gali No.4
Gitanjali Park, West Sagarpur
New Delhi.

... Applicant

(By Advocate: Shri K.N.Bahuguna)

Vs.

1. Union of India through
the Secretary
Ministry of Labour
'Shram Shakti Bhawan'
Rafi Marg, New Delhi - 110 001. ... Respondent
2. Shri Raj Kumar
Peon,
Ministry of Labour
'Shram Shakti Bhawan'
Rafi Marg, New Delhi - 110 001.
3. Shri Athilesh, Peon
Ministry of Labour
'Shram Shakti Bhawan'
Rafi Marg, New Delhi - 110 001.
4. Shri Ganesh, Peon
Ministry of Labour
'Shram Shakti Bhawan'
Rafi Marg, New Delhi - 110 001.
5. Shri Udhesh, Peon
Ministry of Labour
'Shram Shakti Bhawan'
Rafi Marg, New Delhi - 110 001.
6. Shri Vijay Rai, Peon
Ministry of Labour
'Shram Shakti Bhawan'
Rafi Marg, New Delhi - 110 001.
7. Shri Suresh, Casual Labour
Ministry of Labour
'Shram Shakti Bhawan'
Rafi Marg, New Delhi - 110 001.

8. Shri Narender, Casual Labour
Ministry of Labour
'Shram Shakti Bhawan'
Rafi Marg, New Delhi - 110 001.
9. Shri Raju, Casual Labour
Ministry of Labour
'Shram Shakti Bhawan'
Rafi Marg, New Delhi - 110 001... Proforma Respondents
(By Advocate: Shri S.K.Gupta)

O R D E R (Oral)

By Shanker Raju, Member (J):

In the present OA the applicant states that she has been continuously working as Casual Worker after she had been sponsored through Employment Exchange from 1986 till 25.7.1991. It is alleged that she has been disengaged by the respondents from 31.7.2001. The applicant had filed several OAs before this Court and lastly by an order dated 1.6.2000 passed in CP No.94/2000 in OA No.2233/1997, it has been observed that while dropping the Contempt Proceedings, it is clear that the applicant should not be discharged without the specific permission of the Court. Complying with the same the respondents have filed an MA 1560/2000 wherein permission has sought to disengage the applicant and the Tribunal vide order dated 2.8.2000 granted permission to disengage the applicant subject to her being considered for engagement as a casual labourer as and when the need for engaging casual labourers arises in future. Accordingly, thereafter, the applicant was engaged on 1.5.2001 and continued till 31.7.2001. The learned counsel for the applicant states that juniors to the applicant, who are impleaded as respondents No.7 to 9, are still working as Casual Workers. It is also stated that the respondents have regularised the

services of Respondents No.2 to 6 as Peon and lastly stated that the respondents are engaging outsiders and freshers despite specific directions given to them in MA 1560/2000 ibid. As regards the eligibility criteria as to accord of the temporary status, the applicant has been continuously working with the respondents since 1986 and had completed 206 days as required under the Scheme.

2. On the other hand, strongly rebutting the contentions of the applicant, the learned counsel for the respondents states that Respondents No.2 to 6 have been appointed as Peons against regular vacancies after their names have been sponsored by the Employment Exchange whereas the applicant's name has not been sponsored by employment exchange, he was not considered for the said post.

3. It is also stated that no junior to the applicant has been engaged as casual labour. In this regard, an affidavit has been filed by the respondents wherein it has been stated that Shri Suresh Kumar was engaged as waterman for a period of three months from 15.5.2001 on casual basis and this has been done after the applicant has been engaged on 1.5.2000 and after 31.5.2001 no junior or freshers to the applicant has been engaged. In case the applicant is found fit as per the eligibility criteria laid down in the Scheme of DoPT of 1993 his case would be considered for accord of temporary status and further regularisation

in accordance with the rules. It is also stated that if the work is available, the applicant would be engaged in preference to juniors and freshers.

4. I have carefully considered the rival contentions of both the parties and also perused the available pleadings on record. In my considered view the respondents, as stated in the affidavit, have not engaged any juniors or freshers to the applicant after he was being disengaged on 31.7.2001. As regards Shri Suresh Kumar he was simultaneously engaged with the applicant and cannot be treated as junior or fresher. The applicant had worked with the respondents since 1986 and has also been sponsored through Employment Exchange.

5. I deem it proper, in the interest of justice, to dispose of the OA with a direction to the respondents to consider the claim of the applicant for accord of temporary status if she is eligible as per the Scheme and guide-lines laid down and further the impediment of sponsorship of her name through Employment Exchange would not come in her way. The applicant, if found unsuitable for the accord of temporary status the respondents are directed to pass a detailed and speaking order and communicate the same to the applicant within two months from the date of receipt of a copy of this order. However, in case during this interregnum period the work is available

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with the respondents the applicant shall be considered for engagement in preference to her juniors and freshers. The OA is disposed of. No costs.

S. Raju
(SHANKER RAJU)
MEMBER(J)

/RAO/