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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

OA.NO. 1866 OF 2000

NEW DELHI THIS THE 19TH DAY OF APRIL, 2001.

HON'BLE MR. M.P.SINGH, MEMBER (A)

In the matter of:-

Babban Choudhary,
Age, 24 years
S/o Shri S. Chaudhary
Daily Wage Labourer,
Directorate General of Supplies &
Disposal, Jeevan Marg,
New Delhi -110 001.
R/o H-61, Kali Bari Marg,
NEW DELHI. ...Applicant
(By Advocate: Shri K.N.R Pillay)

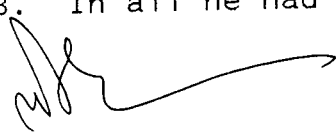
VERSUS

1. Union of India, through;
The Secretary,
Department of Supply,
Ministry of Commerce & Industry,
Udyog Bhavan, New Delhi.
2. The Director General of Supplies
& Disposals, Jeevan Tara, 5,
Sansad Marg, New Delhi-110 001. ...Respondents.
(By Advocate: Shri D.S. Jagotra)

O R D E R (ORAL)

By Shri M.P. Singh, M(A)

By filing this OA, applicant has sought directions to the respondents to grant temporary status from the date he became eligible and has also sought directions to regularise him against the group 'D' post with the consequential benefits


2. The brief facts of the case are that the applicant has been working as a Daily Wage Labour in the department of Director of General of Supplies & Disposals, Jeevan Tara, 5, Sansad Marg, New Delhi -110 001 from 20 April 1993. In all he had worked for 1811
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days upto the date of the certificate i.e. 17th July, 2000. The respondents had issued Memo. dated 25th April, 1996 by which they had conferred temporary status on four casual labourers. While, the first person therein has joined as Casual Labourer earlier than the applicant, the other three had joined in April, 93 along with the applicant. It is stated by the applicant that he has become eligible for grant of temporary status from 1997 as he has completed more than 240 days during this year, so the respondents be directed to grant him temporary status after the completion of 240 days. He has filed this OA seeking the aforesaid relief.

3. The respondents have filed their reply in which they have stated that the applicant was not in employment as on 1st September 1993, and that the case of his seniors is still sub-judice. His claims are untenable and inconsistent with the rules and regulations relating to engagement of daily wage labourers. Four daily wage labourers have been granted temporary status on fulfilment of eligibility criteria as laid down in the instructions issued by DOP&T on 10th September 1993. According to them the essential pre-requisite for grant of temporary status is to be in employment as casual labour as on 10.9.93. As the applicant does not fulfil this rule and mandatory condition, he is not entitled to the above claim.



4. During the argument, learned counsel for applicant does not pray for any other relief than the temporary status. Hence, the respondents may be directed to consider the claim of the applicant for re-engagement in preference to his juniors and freshers.

5. Heard, learned counsel for applicant as well as respondents and considered the material available on records. During the argument, learned counsel for respondents brought to my notice the judgement of this Tribunal dated 1st January 2001 in OA No. 828/2000. He states that the present OA is covered in all four by the judgement dated 1st January 2001. In view of the fact that the issue involved in this OA is the same as in OA 828/2000, I consider, it ^{case} fits to issue ^{appropriate} ~~the~~ same directions to the respondents. Accordingly, I direct the respondents to ^{treat &} ~~consider~~ this OA, representation of the applicant and consider his plea for grant of temporary status, within three months from the date receipt of a copy of this order. No. Cost.


(M.P. SINGH)

MEMBER(A)

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