

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No. 243/2000

New Delhi, this 16th day of October, 2000

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

(9)

1. Vijay Mal
2. Dev Raj Mehta
3. Chhangar
4. Ravinder Prasad
5. Pratap Singh
6. Ramai
7. Megh Nath
8. Ram Chander I
9. Mohinder Nath

(All working as casual labours  
under Respondent No.2) .. Applicants

By Shri Surinder Singh, Advocate)

versus

Union of India, through

1. Secretary  
Ministry of Defence  
DHQ PO, New Delhi
2. Office Commandant  
FOL Depot (210 Pel PL) ASC.)  
Delhi Cantt., New Delhi-10 .. Respondents

(By Shri D.S. Mehandru, Advocate)

ORDER(oral)

Applicants have filed this OA under Section 19 of the Administrative Tribunals Act, 1985 praying for regularisation of their services.

2. Brief facts of the case, as stated by the applicants, are that they were engaged on various dates between the periods from 10.11.1982 to 1.1.1992 and continue in service as such. According to the applicants they have completed the requisite attendance of 206/240 days in the year 1993-94 and as such they are eligible for conferment of temporary status under Department of Personnel & Training (DoP&T, for short) OM dated 10.9.93. Certain casual labourers who are juniors have not only been conferred temporary status but also have been regularised. The applicants have given a legal notice dated



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6.9.1999 to the respondents requesting them for regularisation. Respondents have not taken any action to regularise them. Aggrieved by this, the applicants have filed this OA seeking directions to confer temporary status on all the applicants from the dates they have completed 206 days in a year and regularise their services and also for direction to effect payment for one paid holiday on completion of 6 days work in accordance with OM dated 10.9.93.

3. Respondents have contested the case in their reply stating that the applicants had worked as casual labourers in Ex 4 RPD which had been disbanded on 30.9.97 and the present unit i.e. FOL Depot, ASC, where the applicants are at present working, has moved from Ambala to Delhi Cantt. Applicants were discontinued and they were freshly employed as labourers in this Unit. According to the respondents, the applicants have not completed 240 days of attendance either in the previous unit or in the present unit, in which they have been employed afresh. As per the existing policy, the applicants are not eligible for the grant of temporary status. Furthermore, four of the casual labourers in the OA have completed the requisite criteria and hence temporary status has been given to them. In view of the aforesaid position, the OA is not maintainable and is liable to be dismissed.

4. Heard the learned counsel for both the contesting parties and perused the records.

5. It is an admitted fact that the applicants have been working for the last 18 years with Respondent No.1, i.e. Ministry of Defence. They are granted artificial breaks as



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per the practice followed in the case of casual labourers. According to DoP&T's OM dated 7.6.88 casual workers may be given one paid weekly off after six days of continuous work. Since the applicants have been working in the same organisation, it is amply clear that there is work of regular nature and they are engaged to work 6 days a week. No doubt that Ex 4 RPD where the applicants were earlier working had been disbanded and they have now been re-engaged in FOL Depot, ASC, Delhi Cantt which is also under the control of the same organisation, i.e. Ministry of Defence. Keeping in view the aforesaid facts, the scheme of DoP&T dated 10.9.93 is applicable in their case and the applicants are entitled for the benefits provided under the same. In a similar case in OA No.2053/94 decided on 17.7.2000, the OA was allowed and the respondents were directed to consider the case of the applicants for regularisation.

6. For the reasons mentioned above and in the facts and circumstances of the case, the OA is allowed and the respondents are directed to consider the case of the applicants for regularisation of their services in the present unit, i.e. FOL Depot, ASC, Delhi Cantt. or elsewhere where vacancies exist keeping in view their seniority in accordance with the rules and instructions. This will be done as expeditiously as possible particularly within six months from the date of receipt of a copy of this order. No order as to costs.



(M.P. Singh)  
Member(A)

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