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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA NO.: 2709/2000

New Delhi this the 1st of May 2001.

Hon'ble Shri S.A.T.Rizvi, Member(A)

Lekh Ram, aged 28 years
S/o Shri Om Prakash,
R/o C-468, J.J. Colony,
Wazirpur, Delhi-52.Applicant.

(By Advocate: Shri Charan Singh proxy counsel
of Shri Ajit K. Pande)

Versus

1. Secretary,
Department of Animal
Husbandry and Dairying
Ministry of Agriculture
Krishi Bhawan,
New Delhi.
2. Regional Officer (NR)
Animal Quarantine and
Certification Service,
KAPASERA, New Delhi-37.

(By Advocate:Shri R.P. Aggarwal)

O R D E R(Oral)

By Shri S.A.T. Rizvi, Member(A)

Heard the learned counsel for the respondents. Learned counsel for applicant is not present. Learned proxy counsel appearing for him seeks adjournment. After going through the documents placed on record and hearing the learned counsel for the respondents who presses, I proceed to pass ~~for an early decision~~ this order, however.

2. The applicant had been working as a Casual Worker in the office of Respondent No.2 from May, 1993 with breaks in service. Ultimately his services have been dispensed with by Office Order dated 28.9.2000 placed on record at page 19 of the paper book. Aggrieved by the same, the applicant has filed this OA praying ,inter alia, for conferment of temporary status in accordance with the DOP&T policy Circular of 10th September, 1993.

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3. The respondents do not dispute the fact that the applicant has remained at work as a casual labourer. The learned counsel appearing on behalf of the respondents submits that but for non-availability of work, the services of the applicant would have been continued. He also submits that after the applicant's disengagement no other person junior to him has been engaged. He further submits that the applicant, though at work since 1993, has never been able to complete 240 days of work in any one year. In the circumstances, the applicant cannot be considered for conferment of temporary status on him.

4. In the rejoinder filed on behalf of the applicant, there is an assertion, even though without any documentary evidence, that he has remained in continuous employment for several years and that he had completed more than 240 days in each year. According to him, all the vital documents such as those relating to the payment of wages, vouchers etc. have been withheld by the respondents in a deliberate move to deny the grant of temporary status to the applicant. That one Shri Mukesh Kumar S/o Shri Murari Lal similarly working as a Daily Wager since 1996, i.e., from a date after the applicant was first employed, has been considered for conferment of temporary status on him is denied by the learned counsel appearing on behalf of the respondents.

5. After hearing the learned counsel and having special regard to the aforesaid assertion made by the applicant in his rejoinder, I am inclined to feel that the ends of justice would be met in this case by disposing of this OA at this very stage with a direction to the respondents to scrutinise the record relating to the payment of wages and

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other related ~~rec~~ records thoroughly with a view to ascertaining once again whether the applicant has completed 240 days of service in any year from 1993 onward. In the event of the respondents finding, after the aforesaid scrutiny, that the applicant succeeded in completing more than 240 days of work in any one year, they will at once proceed to consider the claim of the applicant for conferment of temporary status on him subject to the various conditions laid down in the DOPT's aforesaid circular of 10th September, 1993. In the event of the respondents' inability to confer temporary status on the applicant even after finding that he had completed more than 240 days of working in any one year, the respondents will pass a reasoned and a speaking order. The respondents are directed accordingly with the further stipulation that action as above will be completed in a maximum of three months from the date of receipt of a copy of this order.

5. The OA is accordingly disposed of in the aforesaid terms.


(S.A.T. Rizvi)
Member(A)

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