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**Central Administrative Tribunal, Principal Bench**

**Original Application No.792 of 2000**  
**M.A.Nos.1011 and 1059 of 2000**

New Delhi, this the 27th day of March, 2001

**Hon'ble Mr.Kuldip Singh, Member (J)**

1. Jitender Pal S/o Shri Santer Pal  
r/o Railway Colony  
Badi Mor Sarai  
Opp. Block No.40  
Jhuggi No.G-14, Kodia Pul  
Delhi-6

2. Rakesh Kumar S/o Shri Sher Singh  
r/o 2384 Gali Ravidas  
Behind Kala Masjid  
Sita Ram Bazar  
Delhi-6

**- Applicants**

(By Advocate - Sh.S.K.Gupta, proxy for Ms.Richa Bansal)

**Versus**

1. Govt. of NCT of Delhi  
Through Secretary(Medical)  
5, Sham Nath Marg,  
Delhi

2. Director  
G.B.Pant Hospital  
Jawahar Lal Nehru Marg  
New Delhi

3. Medical Superintendent  
G.B.Pant Hospital  
Jawahar Lal Nehru Marg  
New Delhi

**- Respondents**

(By Advocate: Shri Rajinder Pandita)

**O R D E R (ORAL)**

**By Hon'ble Mr.Kuldip Singh, Member(J)**

Applicants in this O.A. have prayed for the following reliefs:

- a) quash the oral orders of disengagement of applicants dated August 1993 and February, 1997 respectively;
  - b) direct the respondents to engage the applicants in preference to freshers juniors and outsiders; and
  - c) direct the respondents to confer temporary status upon the applicants w.e.f. they became eligible for same as per the Scheme dated 1993 framed by DOPT."
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2. Facts in brief are that applicants were engaged by respondents on casual basis as Nursing Orderlies in February 1992 and August 1994, respectively. It is submitted that their names were sponsored by the Employment Exchange. According to applicants, they have completed 240 days of continuous service from 1992 to 1998 and 1994 to 1997, respectively and as such, they are entitled for grant of temporary status and also for re-engagement in preference to juniors, outsiders and freshers.

3. Respondents in their reply have submitted that applicant no.1 has worked for 119 days in the year 1993 in different intervals of times on leave vacancy, 142 days in the year 1994 and 87 days in the year 1995 on stop gap arrangement. Applicant no.2 is stated to have worked for 86 days in the year 1993, 70 days in the year 1994, 85 days in the year 1995, 45 days in the year 1996 and 43 days in the year 1997. Thus it is submitted that applicants have not worked for requisite number of days in a year which would entitle them for conferment of temporary status. Moreover, they had been disengaged as it was only a stop gap arrangement.

4. When confronted with the plea taken by respondents, learned counsel for the applicant conceded that he will not press for conferment of temporary status upon the applicants. However, he insisted that if the work of casual nature is still

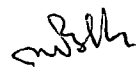
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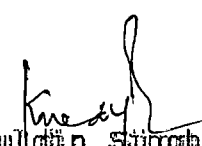
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available with the respondents, then the applicants have a right to be re-engaged in preference to freshers and juniors.

5. As far applicants' prayer for re-engagement in preference to juniors and freshers is concerned, it is quite fair and is in accordance with Casual Labourers (Grant of Temporary Status and Regularisation) Scheme, 1993. I, therefore, direct the respondents that if the work of the casual nature is available with the respondents, the applicants will be considered for re-engagement in preference to freshers and juniors. However if there is a regular vacancy in the respondents' department, then the applicants will apply in a regular manner and will be considered in accordance with rules.

6. O.A. stands disposed of with the above directions. No costs.

  
(M.P. Singh)  
Member (A)

  
(Kuldeep Singh)  
Member (J)

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