

Central Administrative Tribunal, Principal Bench

Contempt Petition No.389 of 2001 in
Original Application No.1099 of 2000

New Delhi, this the 9th day of August, 2001

Hon'ble Mr. Justice Ashok Agarwal, Chairman
Hon'ble Mr. S.A.T. Rizvi, Member(A)

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1. Smt. Maya wd/o late Shri Maman Singh
R/o Hari Nagar Ashram, Mathura Road
New Delhi
2. Smt. Anjali Pal wd/of Lt. Sh. Khukan Lal
R/o Hari Nagar Ashram, Mathura Road
New Delhi

- Applicants

(By Advocate: Shri Yogesh Sharma)

Versus

1. Shri M.K. Misra
Director
Department of Social Welfare, Govt. of NCT
Canning Lane, K.G. Marg,
New Delhi
2. Shri R.C. Paswan
Principal
Govt. lady Noyce Sec. School
Firozshah Kotla, Delhi Gate,
Delhi

- Respondents

O R D E R (ORAL)

By Justice Ashok Agarwal, Chairman

Non-compliance of an order passed on 20.2.2001 in OA No.1099/2000 is made the basis of the present Contempt Petition. By the order, impugned orders of 8.5.2000 and 26.5.2000 whereby services of the applicants and others had been terminated, were quashed and set aside and a direction was issued to the respondents to consider the claim of the applicants for conferment of temporary status on their fulfilling the conditions prescribed in DOP&T Scheme of September, 1993. Applicants were also held entitled for being granted all consequential benefits. By an order passed on 9.5.2001 at Annexure C-2, claim of the

✓ applicants for grant of temporary status has been considered and rejected by observing as under:

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"(1) As per condition No.3 of the Scheme, this scheme is applicable to casual labourers in employment of the Ministries/Departments of Government of India and their Attached and Subordinate offices, on the date of issue of these orders. The meaning of casual labourers under the Scheme is that those who are recruited for performing the work of casual or seasonal or of intermittent nature.

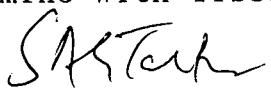
However, Smt. Maya Devi and Smt. Anjali Pal were engaged as House Aunties as volunteers to perform the duties in the Homes/Institutions to look after the deaf and dumb children on the following terms:

- i) They shall be paid @ Rs.1000/- per month as honorarium.
- ii) Free food/clothing/free accommodation shall also be provided in addition to honorarium."

2. Claim for grant of temporary status, it is clear has been rejected on more than one grounds. The Casual Labourers (Grant of Temporary Status and Regularisation) Scheme, 1993 has been held to be a one time measure. Aforesaid scheme is stated to be applicable only to those casual labourers who were in employment on the date of the Scheme namely 10.9.93. The same is also made applicable to those who have been initially engaged through employment exchange. It is, inter-alia, provided that the employment exchange procedure is a pre-condition for covering them under the Scheme. It is further found that applicants are not casual labourers but are volunteers who are not recruited for performing the casual or seasonal or intermittent nature of work.

Ne. J.

3. The last ground apparently is unsustainable as in the order of 20.2.2001, applicants have been held to be casual labourers. However, other aforesated grounds which have been mentioned for rejecting the claim of the applicants ^{genuine and have not been resolved by the order of 20.2.2001.} appear to be ~~genuine~~. In the circumstances, it cannot be held that respondents have committed any contempt. Present CP, in the circumstances, is dismissed in limine with liberty.


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


(Ashok Agarwal)
Chairman

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