

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

OA/021/00975/2014

Reserved on : 02.09.2020

Pronounced on : 09.09.2020



THE HON'BLE MR.ASHISH KALIA : JUDICIAL MEMBER
THE HON'BLE MR.B.V.SUDHAKAR : ADMINISTRATIVE MEMBER

1. Vikramsingh Negi S/o Bachan Singh Negi,
Age about 49 years, Occ : Lab Attendant,
Central Forensic Science Laboratory,
Ramanthapur, Hyderabad.
2. K.Ramchander S/o K.Mogulaiah,
Aged about 55 years, Occ : Lab Attendant,
Central Forensic Science Laboratory,
Ramanthapur, Hyderabad.
3. R.Narayana S/o R.Bichappa,
Aged about 61 years, Occ : Lab Attendant (Retd.),
Central Forensic Science Laboratory,
Ramanthapur, Hyderabad.
4. J.Jangaiah S/o Late J.Sayanna,
Aged about 62 years, Occ : Lab Attendant,
Central Forensic Science Laboratory,
Ramanthapur, Hyderabad.
5. B.Bhikshapati S/o Late Gandaiah,
Aged about 59 years, Occ : MTS,
Central Forensic Science Laboratory,
Ramanthapur, Hyderabad.



6. Rajamani W/o Late Y.S.Shankar,
 Occ : Lab Attendant,
 Central Forensic Science Laboratory,
 Ramanthapur, Hyderabad.Applicants

(By Advocate : Mr. K. Sudhakar Reddy)

Vs.

1. Union of India, Ministry of Personnel and
 Public Grievances & Pensions,
 Department of Personnel & Training rep by its
 Secretary, Central Secretariat, New Delhi-110 001.

2. The Chief Forensic Scientist,
 Directorate of Forensic Science Services,
 Ministry of Home Affairs, C.G.O.Complex,
 Block No.9, 8th Floor, New Delhi-110 003.

3. The Central Forensic Science Laboratory,
 Directorate of Forensic Science Services,
 H.M.A. Government of India rep by its Director,
 Amberpet Post, Ramanthapur,
 Hyderabad-500 013.

4. The Pay and Accounts Officer, D.C.P.W.,
 (Directoratse of Coordinate Police Wireless),
 C.G.O.Complex, Block No.9, 8th Floor,
 New Delhi-110 003.

....Respondents

(By Advocate : Mr.V.Vinod Kumar, Sr.CGSC)

Order
(As per Hon'ble Mr.B.V.Sudhakar, Administrative Member)



2. The OA is filed to regularise the period of service rendered by the applicants prior to regularisation of their services.

3. Applicants served as casual labour in the respondents organisation for different periods and later, their services were regularised. Half of the service rendered as casual labour has been counted for pensionary benefits. Applicants represented for fixing pay as per DOPT OM dated 9.5.2008 and no decision is forthcoming. Hence, the OA.

4. The contentions of the applicants are that the respondents are deliberately delaying the decision on the request made. Applicants cited the DOPT OM dated 9.5.2008 and judgment of the Hon'ble Calcutta High Court in support of their contentions.

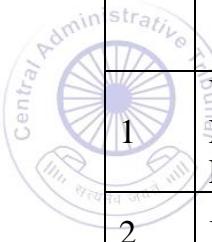
5. Respondents state in their reply that the DOPT OM Dated 9.5.2008 does not apply to the case of the applicants and that the benefits for which the applicants were eligible have been extended.

6. Heard both the counsel and perused the pleadings on record.

7. I. The applicants have relied on DOPT memo dated 9.5.2008, the relevant portion of the same reads as under:

“..the pay of workers with temporary status on their regularization against Group D posts in identical grades will be fixed after taking into account the increments already earned by them in Group D pay scale which was taken into account for payment of wages while working as casual worker with temporary status.”

II. The service particulars of the applicants are extracted here under:



Sl. No.	Name & Designation	Date of Joining as Contingent Menial	Date of regularization	Total period as contingent (years-months-days)	50% i.e. Half of contingent service given as weightage (years-months-days)
1	Vikramsingh Negi Lab Attdt.	13/5/1986 to 16.04.1989	15.01.1991	02-11-4	1-5-19
2	K. Ramchander	22/09/1979 to 07/10/1984	08.10.1984	05-0-16	2-6-8
3	R. Narayana	31/01/1975 to 05/05/1982	06/05/1982	7-4-26	3-8-13
4.	J. Jangaiah	2/12/74 to 13/8/80	14/08/1980	5-8-12	2-10-6
5.	B. Bhikshapathy	1/5/83 to 6/4/89	07/04/1989	5-11-6	2-11-8
6.	YS Shankar	1/6/81 to 6/4/89	07/04/1989	7-10-6	3-11-3

As can be seen from the table, the services of the applicants were regularised prior to 1.9.1993. The DOPT OM speaks of pay to be fixed in respect of those casual labour who have been granted temporary status. The applicants were not granted temporary status but regularised prior to 1993 and hence, the OM dated 9.5.2008 relied upon by the applicants is not relevant to their case. Nevertheless, respondents did consider 50% of the casual labour services while fixing the retiral benefits of the applicants. Hence, the respondents have been fair in allowing what is provided for in the rules as per DOPT memo dated 10.3.1986 (Annexure A-IX) to the applicants. One should accept for what one is entitled to but not for more, to avoid disappointment.

III. The judgment of the Hon'ble High Court of Calcutta in WPCT 497/2013 and WPCT 498/2013, dated 11.03.2014 referred to by the applicants dealt with the adhoc services of trained nurses. The issue therein was in regard to regularise the adhoc services rendered by trained nurses appointed against sanctioned posts after following established procedure in accordance with rules. The applicants, on the other hand, were engaged as contingent menial, who were

paid based on the contingency rates fixed by the Commissioner of Labour, A.P.

The Ld. Counsel for the respondents submitted that they were purely engaged on a casual basis depending on the availability of work and not against sanctioned posts.

The applicants too have not furnished any documents to establish that they have been appointed as casual labour against sanctioned posts as per relevant recruitment rules to consider the relief sought. Thus, the facts and circumstances being different, judgment cited is of no assistance to the applicants. We have also gone through the OMs appended to the OA and found them to be of no relevance.

In view of the above, there being no merit in the case, the OA is dismissed with no order as to costs.

(B.V.SUDHAKAR) (ASHISH KALIA)
ADMINISTRATIVE MEMBER JUDICIAL MEMBER

Pv/evr