

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 634/90
T.A. No.

199.

DATE OF DECISION 2.8.1991

Shri Chander Pal Singh & Ors. Petitioner(s) Applicants

Shri B. S. Mainee Advocate for the Petitioner(s) Applicants

Versus
Chief Engineer, Northern Rly. Respondent
and Others

Shri B. K. Aggarwal Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. P. K. Kartha, Vice-Chairman (Judl.)

The Hon'ble Mr. B. N. Dhoundiyal, Administrative Member.

1. Whether Reporters of local papers may be allowed to see the Judgement? yes
2. To be referred to the Reporter or not? NO
3. Whether their Lordships wish to see the fair copy of the Judgement? /NO
4. Whether it needs to be circulated to other Benches of the Tribunal? /NO

(Judgement of the Bench delivered by Hon'ble
Mr. P. K. Kartha, Vice-Chairman)

The applicants before us are Casual Labourers who have rendered 120 days' continuous service in the office of the respondents. They have prayed that the respondents be directed to give all the benefits to them which are admissible to the Casual Labourers after attaining temporary status. They have also sought for a direction to the respondents to give them full salary in accordance with the rules from the date from which they have completed 120 days of continuous service, and that they should be screened and regularised in the service.

2. There is no dispute about the facts of the case. The applicants have worked for 120 days continuously and have acquired temporary status. In Shri Basant Lal and 104 Others Vs. Union of India & Others, 1990 (3), SLJ(CAT) 1, this Tribunal has held that once a person acquires temporary status, he retains the same so long as he is in continuous employment on the Railways. They would also become entitled to regular pay-scales and other benefits in accordance with the provisions of the Indian Railways Establishment Manual.

3. The respondents have stated in their counter-affidavit that out of the five applicants, two of them (S/Shri Chander Pal Singh and Ved Prakash, applicants 1 and 2) have already been given temporary status and have been getting scales of pay. With regard to the three others, it has been stated that their cases have been taken up with the authorities concerned for granting them temporary status.

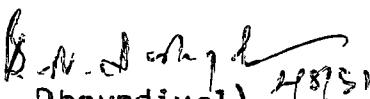
4. We have gone through the records of the case and have considered the matter carefully. When the application was admitted on 12.4.1990, an interim order was passed to the effect that the respondents are restrained from terminating the services of the applicants. The interim order has thereafter been continued till the case was finally heard on 24.10.1991. ✓

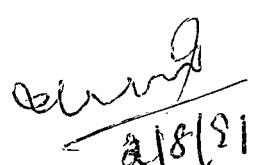
(9)

5. In the facts and circumstances of the case, we direct the respondents to pass necessary orders regarding the conferment of temporary status on S/Shri Kesar Singh, Karan Singh and Rajinder Singh, who are applicants 3-5 in the present application. This is in addition to the conferment of temporary status on Chander Pal Singh and Ved Prakash, in whose case the respondents have stated that necessary orders have been passed. The respondents shall pass the appropriate orders in the remaining cases also as expeditiously as possible but in no event, later than three months from the date of receipt of the order. After conferment of temporary status, the respondents shall screen the applicants with a view to their regularisation in accordance with the provisions of the relevant rules.

6. The application is disposed of on the above lines.

There will be no order as to costs.


(B.N. Dhomdiyal) 48751
Administrative Member


2/8/81
(P.K. Kartha)
Vice-Chairman(Judl.)