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Central Administrative Tribunal
Principal Bench, New Delhi

O.A.No.2445/91

New Delhi this the 10th Day of November, 1995.

Hon'ble Shri N.V. Krishnan, Acting Chairman
Hon'ble Dr. A. Vedavalli, Member (J)

Shri Lila Ram
S/o Shri Ghasi Ram,
Vill. Choki No.2, P.O. Muresepur,
Distt. Rewari,
Haryana. ...Applicant

(By Advocate : Shri V.P. Sharma)

Versus

UNION OF INDIA, THROUGH

1. The Member (Personnel),
P&T Board, Dak Tar Bhavan,
New Delhi.
2. The District Manager Telegraph,
Faridabad (Haryana).
3. The Sub Divisional Officer (T),
Rewari, (Haryana)

(By Advocate : Shri M.K. Gupta)

ORDER (ORAL)

(By Hon'ble Mr. N.V. Krishnan, Acting Chairman)

The applicant states that he worked as a casual labour under the Respondents i.e. the P&T Board and he seeks his regularisation by that Department.

2. It is stated that he began working as Casual labour from 7.9.83 and worked upto 1987 with breaks. In Annexure A-2 he has given particulars of the number of days for which he has worked during the period 1.6.88 to 31.3.89. He has also given particulars of the work order and the muster roll on the basis of which he was engaged. He claims that he has worked

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continuously for 276 days without any break. It is alleged that he has been disengaged, thereafter.

3. His prayer is for the following relief:

"(ii) That the Hon'ble Tribunal may be pleased to pass an order directing the respondents to absorb the application on regular basis from the date of completion of the period as laid down in relevant policy alongwith the arrear of the back wages as the applicant prayed that the Hon'ble Tribunal may be pleased to pass an order deciding/declaring the disengagement of the applicant from service is illegal, unjust, arbitrary, discriminatory, against the relevant service rules, and the applicant be deemed to be in continuous service for the purpose of all service benefits."

4. The respondents have filed their reply. Their contention is that the applicant has worked only for 217 days. He was not employed through the Employment Exchange. His engagement was against an absentee for a specific work on contract basis and hence the question of regularisation does not arise.

5. In the rejoinder the applicant has stated that in their calculation the respondents have not taken into account the particular number of days he has worked in January & February, 1989.

6. We have heard the learned counsel for the parties today. The learned counsel for the applicant asserts that the applicant had worked for 276 days as per particulars of work order and muster roll given in Annexure A-2.

7. The Department has a scheme which was prepared in 1989 or so. That scheme provides for consideration of the cases of such casual labourers for granting of temporary status leading to eventual regularisation, if vacancies exist.

8. The applicant is not entitled to any direction in so far as the alleged disengagement is concerned because that is barred of time. He is, however, entitled to a direction in respect of the consideration of his case by the respondents.

9. There is a dispute about the number of days for which the applicant has worked. The applicant has cited the work order number as well as the muster roll number. It is only fair that the respondents should be directed to verify again their computation with reference to these documents. Thereafter the case of the applicant should be considered in the light of the scheme. The learned counsel for the respondents clarified that if the applicant satisfies the eligibility condition regarding minimum number of working days required to be put in under the scheme, he

would be entitled for consideration for the grant of temporary status and thereafter for regularisation as and when his turn comes provided vacancies exist.

10. In the above background, we dispose of this O.A. with the following directions to the respondents :-

- (i) The respondents shall re-verify the number of days of engagement of the applicant as averred by him in Annexure A-2 w.r.t. the records cited by him therein.
- (ii) If the applicants satisfies the conditions specified in the scheme, specifying the days for which labour have been engaged, the respondents are directed to consider the case of the applicant also for grant of such benefits as he may be entitled to in terms of that scheme, e.g. grant of temporary status and eventual regularisation subject to the provision of the scheme.
- (iii) This shall be done within a period of three months from the date of receipt of a copy of this order. The final decision

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taken by the respondents shall be
communicated to the applicant within the
same period.

The O.A. is disposed of accordingly.

A. Vedavalli

(Dr A. Vedavalli)
Member (J)

N.V. Krishnan
10.11.85

(N.V. Krishnan)
Acting Chairman

SSS