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**Central Administrative Tribunal  
Principal Bench  
New Delhi**

**OA No.3058/2004**

New Delhi this the 3<sup>rd</sup> day of October, 2005.

**Hon'ble Mr. Shanker Raju, Member (J)**

Shri Faiyaz,  
S/o Shri Sherdin,  
R/o Daurala,  
Distt. Meerut (UP).

-Applicant

(By Advocate Shri Surinder Singh)

**-Versus-**

1. The Secretary,  
Indian Council of Agricultural Research,  
Library Avenue,  
New Delhi.

2. Central Potato Research,  
Institute Campus,  
Modipuram, Meerut,  
Through its Jt. Director.

-Respondents

(By Advocate Shri B.S. Mor)

***ORDER (ORAL)***

Applicant impugns respondents' order dated 18.9.2004 where his request for accord of temporary status under DoPT Scheme of 10.9.1993 has been turned down on the ground that up to 1.9.1993 in any of the years he had not completed 240 days.

2. Applicant, who had been working since 1989 on casual basis states that from February 1992 to January 1993 he had completed inclusive of Sundays a period of 273 days, as such holding position as on 1.9.1993 he has a right to be considered for temporary status as well as regularisation.


3. Learned counsel Shri Surinder Singh relied upon a notification dated 12.10.1993 issued by the Directorate General of Supplies, issued from Army Headquarters where on the basis of a CGIT Award in **ID 77/97** it is decided that requirement of 240 days of casual service during each of any of the two years service, service need not be necessarily counted on calendar year basis but simply on a period of 12 months.

4. On the other hand, respondents' counsel Shri B.S. Mor cited decision in *Mahendra L. Jain & Ors. v. Indore Development Authority & Ors.*, 2005 (1) SLR 39

and decision of the Calcutta High Court in *Biman Kr. Roy & Ors. v. Union of India & Ors*, 1999 (5) SLR 771 (Cal.) to contend that a seasonal worker and a daily wager are not appointed against a vacancy and have no right to regularisation and also not entitled to invoke the doctrine of *equal pay for equal work*.

5. On careful consideration of the rival contentions of the parties, once the Directorate General of Army Headquarters had taken a decision to count 240 days in 12 months and not to insist on calendar year being part of Government there cannot be a different criteria adopted in other departments. Accordingly, once a principle has been recognized on an Award by the CGIT the same has to be universally followed. In this view of the matter applicant states that he had completed 273 days service from February 1992 to January 1993 and in their reply respondents have stated that applicant had worked for 208 days in the year 1992 and 97 days in 1993. This completes 240 days if any two months are reckoned for computing the working period.

6. Accordingly, this OA stands disposed of with a direction to respondents to reconsider the claim of applicant, keeping in regard the above observations, for grant of temporary status and also for regularisation in accordance with rules, instructions and law on the subject. No costs.

  
(Shanker Raju)  
Member (J)

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