

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

OA No.160/93

Date of decision:1.6.1993.

Sh.Sumer Chand Ramola ...

Applicant

versus

Union of India through
Secretary,
Ministry of Communication,
Department of Telecommunication,
New Delhi & ors. ...

Respondents

CORAM:THE HON'BLE MR.JUSTICE S.K.DHAON, VICE-CHAIRMAN
THE HON'BLE MR.S.R.ADIGE, MEMBER(A)

For the Applicant .. Ms.Bharti Sharma, proxy
counsel for Mrs.Rani
Chhabra, counsel.

For the Respondents .. Sh.P.P.Khurana, Counsel.

JUDGEMENT(ORAL)

(BY HON'BLE MR.JUSTICE S.K.DHAON, VICE-CHAIRMAN)

The principal relief claimed by the applicant is that the respondents be directed to give temporary status to the applicant.

2. Counter-affidavit has been filed on behalf of the respondents. We have heard the learned counsel for the parties.

3. The applicant avers that he was employed as Peon in the Department of Telecommunications in June 1991 and he continued to be in service till the filing of this OA on 20.1.93. On 21.1.93 the Tribunal passed an interim order by / Tribunal directing the respondents to maintain status quo as regards the continuance of the applicant as casual labourer. The applicant apprehended that an order terminating his services ^{was} ~~is~~ likely to be passed.

3. In the reply filed, the fact that the applicant was given appointment in June 1991 is not disputed. However, it is stated that there were long breaks during the period of service of the applicant. Having examined the record and ignoring the broken period, it is

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clear that the petitioner continued in service from 28.4.92 till 21.1.93. Even ignoring the month of January, 1993, it is clear that the petitioner has rendered more than 240 days of service.

4. The matter is governed by the Casual Labourer's (Grant of Temporary Status and Regulation) Scheme which has been approved by the Department of Telecommunications.

5. In the said Scheme, we are really concerned with para 5(i) which provides that temporary status would be conferred on all the casual labourers currently employed and who have rendered a continuous service of at least one year out of which they must have been engaged on work for a period of 240 days (206 days in the case of offices observing five day week). Such casual labourers will be designated as temporary Mazdoor. Shri P.P. Khurana, learned counsel for the respondents urged that in the aforesaid para, it is implicit that casual labourers should have put in 240 days of actual service. He stated that the broken period, including holidays and Sundays should be excluded for the purpose of computing 240 days. In order to quantify the said period, a casual labourer should physically render 240 days of actual service. We are not impressed by this contention. The scheme is very clear on this point and the holidays and Sundays are to be included for computing the period of 240 days of service in a particular year. We see no reason as to why the period of holidays and Sundays should be excluded for computing 240 days of service.

6. The authority concerned shall consider the case of the applicant for being given temporary status in terms of para 5(i) of the Scheme. It shall pass appropriate orders as early as possible but not later than a period of six weeks from the date ~~the~~ certified copy of this order is produced by the applicant. Till a decision is taken by the authority concerned, there shall be no interference with the service of the petitioner.

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7. With these directions, this OA is disposed of finally but with no order as to costs.

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(S.R.ADIGE)
MEMBER(A)

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(S.K.DHAON)
VICE-CHAIRMAN(J)

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