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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. No. 2066/93

New Delhi this the 25th day of November, 1993

Shri Parmeshwar Prasad,
S/o Shri Tilak Prasad,
586 Lodhi Complex,
New Delhi. ... Petitioner
(By Advocate Shri B.N. Bhargava)

Vs.

Union of India through
The Secretary,
Govt. of India,
Ministry of Home Affairs,
New Delhi

The Accounts Officer,
Pay & Accounts Office,
Block No. II, First Floor,
CGO Complex, Lodhi Road, ... Respondents
New Delhi-110 003.

(By Advocate Shri P.P. Khurana)

ORDER (Oral)

Hon'ble Mr. J.P. Sharma, Member (J)

The grievance of the applicant is that he was engaged by the Accounts Officer, Pay and Accounts Office, as a hot weather water man was last engaged on 14.5.1992 and disengaged on 31.10.1992. Even after that he was allowed to work as a casual labour on a fixed rate upto April 1993 at a consideration of Rs. 650/- per month.

Since May 1993 the applicant has been working as a casual labour at the rate of Rs. 49/- per day.

Apprehending his engagement on 30.9.1993 he filed the present O.A. on 1.10.1993. By the order dated 1.10.1993 an interim order was granted in his favour that the respondents are restrained for interfering with the working of the applicant till 15.10.1993 and that order continued till the date of hearing.

(b)

2. The respondents contested the application and in the reply ~~reply~~ stated that the applicant was engaged only in summer season after the names were received from the Employment Exchange. He was never paid any daily wages from November 1992 for 15 days so also in February 1993 for the same period. He was again engaged from 17.5.1993 to 30.9. 1993. When the summer season was over on 30.9.1993 like he was disengaged ~~of~~ all other casual labourers. The Circular dated 10.9.1993 issued by the Ministry of Personnel & Training is not applicable in the present case as that scheme is applicable to those casual labourers who are in the employment of the Central Government have rendered a continuous service of at least one year i.e. 206 days in the office observing 5 days week. The applicant has not worked required number of days in a particular year and the scheme is not applicable to him. The applicant has filed the rejoinder in which it is stated that he has already got a certificate issued by the Accounts Officer, Pay and Accounts Office, (ITBP) Ministry of Home Affairs (Annexure A3) issued in July 1993 certifying that the applicant is working as casual labourer on daily wages from 14.5.1992 to date. We have heard the learned counsel of the parties at length and have gone through the record of the case. The certificate in question cannot be accepted in the light of the counter filed by the respondents regarding the period the applicant has been engaged as a daily wager as a casual labourer. It is the case of the respondents that he was engaged only in the summer season for filling up of water etc. This does not give any right to the applicant to continue in the employment when the work for which he was engaged was no more required to be performed. The learned counsel for the respondents has also placed before us the judgement delivered by the Principal Bench in OA No. 1476/93 decided on 21.10.1993.

J

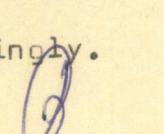
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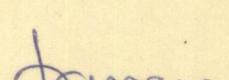
That was also a case of two of the petitioners who were engaged as casual workers as hot weather water men. Their applications were disposed of that the petitioners of that case will apply well within time to the respondents so that their case may also be considered for engagement as hot weather water men and their cases are to be considered alongwith others who have been sponsored by the Employment Exchange.

3. We have gone through the Circular of 10.9.1993 where it is laid down that at least the minimum engagement would be for a required number of days in a year. The temporary status will be conferred on all casual labourers who are in employment with the respondents on 10.9.1993 if they have put in 206 days of work in the office observing five days a week and 240 days of work in the office observing six days a week. The case of the applicant is not covered under this scheme.

4. During the course of the arguments ^{it was} pointed out that the respondents wisely retained the applicant but this time changed the name ^{to} Pritam Singh. This cannot be accepted against the record.

5. The applicant could not, therefore, make out a case to continue as a casual labourer without the work available for him. Further considering the whole matter we direct that the respondents will engage the applicant for the summer weather season if the work is available keeping in account the seniority he has earned in the department placed as well as getting preference over others similarly sponsored persons from the Employment Exchange. The application is disposed of accordingly.


(B.K. Singh)
Member (A)


(J.P. Sharma)
Member (J)