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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH N/DELHI

O.A.No. 2319/93.

New Delhi this the 1st Day of November, 1993.

THE HON'BLE MR.N.V.KRISHNAN, VICE CHAIRMAN(A)

THE HON'BLE MR.B.S. HEGDE, MEMBER(J)

1. Sh.Suresh Chand Son of
Sh. Ram Chander,
Resident of 1610,
Basti Peepalwali
Sadar Bazar, Delhi-110006

2. Sh.Beni Singh
Son of Sh.Mohan
Resident of F-20007,
Netaji Ngr, N/Delhi-20

3. Sh.Sikander Son of Sh.Jansi
Resident of Vill.& P.O.
Niranki, Delhi-110036

.... Applicants

(By Advocate Sh.K.E.Bhatia)

Versus

1. Union of India through the Secretary,
Ministry of Defence, New Delhi-11

2. Air Officer Commanding-in-chief
Air Force, Western Air Command,
Subrota Park, New Delhi-110010

3. Commanding Officer,
Air Force Station (25 Wing Unit)
Rajokri, New Delhi-110038

.... Respondents

O R D E R (ORAL)

(Hon'ble Sh. N.V.Krishnan, Vice Chairman(A)

The applicants are seasonal casual labourers
under the third respondent, the Commanding Officer, Air

Force Station (25 Wing Unit) Rajokri, New Delhi-110038.

The applicants are employed in the malaria season

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up to October, 1993 (May to October, 1993). The services of the first applicant Sh. Suresh Chandra was terminated vide notice dated 29-9-1993 (Annexure-III).

2. While so, Ministry of Personnel has issued Office Memorandum on 10-9-93 (Annexure-IV) introducing a scheme applicable to all departments except Railways, Telecommunication and Posts. This scheme contemplates granting of temporary status to casual labourers who are employed on the date of issue of the Annexure A-4 order. The temporary status is to be conferred in terms of para 4(i) of the scheme which reads as follows:-

Temporary status

" Temporary status would be conferred on all casual labourers who are in employment on the date of issue of this O.M. and who have rendered a continue service of at least one year, which means that they have must have been engaged for a period of at least 240 days (206 days in the case of offices observing 5 days week). "

3. Therefore, the first applicant submitted representation to the IIInd respondent in September, 1993 for being granted temporary status in accordance with the above scheme of the Department of Personnel.

4. The third respondent has sent reply vide Annexure VI dated 5-10-93 to all the applicants stating that the Government Order of the Ministry of Personnel could not apply to them as none of them has worked

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for 240 days in a calender year.

5. Aggrieved by A-6 order, the applicants have filed this O.A. seeking a direction for quashing the A-6 order as well as the notice of termination Annexure-3 and for a firther direction that the Annexure-4 scheme be extended to applicants who have worked for 180 days as Anti Malaria Lascars.

6. We have heard the learned counsel for the applicant. His contention is that after the earlier judgement of this Tribunal in OA 1724/92 (Annexure-II) the applicants have been engaged for 3 consecutive ⁱⁿ years and have rendered ~~for~~ all 540 days of service and, therefore, in terms of Annexure -4 scheme, they are entitled to be granted temporary status. He points out in para 4.1. of the scheme, it is not stated that the service of one year -equivalent to 240 days (206 days in the case of offices observe 5 days week) should also be rendered in one calender year.

7. Para 4(i) of the reference is to restricted only to those persons who have rendered at least one years continuous service i.e. engaged for a period of atleast 240 days in one calender year. It cannot be interpreted

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otherwise. The stipulated number of day of work

has to be performed in ¹²~~one~~ consecutive months

proceeding the relevant date from which temporary

² ~~claimed~~ status is ~~cleared~~. We are, therefore, of the view

that, as the scheme stands at preset, it is not applicable to the case of the applicants as,

admittedly, they have rendered only 180 days of service in a calender year.

8. We are of the view that the prayer relates to a matter of policy. This can be considered only by the Ministry of Personnel. Therefore, the appropriate course for the applicants is to submit a representation to that authority.

9. The learned counsel for the applicant has drawn our attention to para 8.5 of the O.A. praying that till the applicants are regularised, they must be allowed to work as Anti Malaria Lascar or casual labourer in any unit under the Ministry of Defence and the requirement of maximum limit of age may not be applied in their case. It is open to the applicant to make a representation to the concerned authority on this behalf. This order will not stand in their way.

10. With these observations, OA is dismissed at the admission stage.

(B.S.Hegde
Member(J)

(N.V.Krishnan)
Vice Chairman(a)