

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH NEW DELHI

O.A. No. 255/1993

New Delhi, dated the 24th Jan., 1995

CORAM

Hon'ble Shri B.N.Dhoundiyal, Member(A)

Hon'ble Smt. Lakshmi Swaminathan, Member(J)

Shri Jagdish Ghosh,
resident of WZ-1286, Mangal Raya
New Delhi-46

Shri Ratan Kehri
resident of Quarter No.F-35,
Ahilya Bai Road, Minto Road,
New Delhi-110002

... Applicants

(None for the applicant)

V/s

1. Union of India through the Secy.
Ministry of Personnel, Public Grievances
and Pension, North Block, New Delhi-1
2. The Controller of Accounts,
Principal Accounts Office,
Ministry of Personnel, Public Grievances
and Pensions, Lok Nayak Bhawan, Khan Market
New Delhi.

... Respondents

(By Advocate Shri M.K.Gupta)

JUDGMENT (ORAL)

(Hon'ble Shri B.N.Dhoundiyal, Member (A))

The two applicants in this OA were engaged in the
Principal Accounts Office, Ministry of Personnel,
Public Grievances and Pensions on 8-4-1991 as
water-man for 90 days on the contingent strength
Their services were continued as casual labourers
waterman upto 31-1-1993. According to the

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statement of the respondents their total number of working

D days are as under:-

	Year	<u>Jagdish Ghosh</u>	<u>Rattan Kehri</u>
1.	1989	3.5.89 to 30.11.89 150 days	Nil
2.	1990	23.4.90 to 31.12.90 141 "	134 days
3.	1991	212	195 "
4.	1992	306 "	297 "
5.	1993	1.1.93 to 31.1.93 23 "	21 "

They have filed this OA praying that the respondents be restrained from terminating their services and that they may be regularised against vacant posts. On 2.2.93 this Tribunal passed an interim order directing the respondents not to terminate their services. That interim order continues till this date.

2. In the counter affidavit filed by the respondents, it is stated that there are 3 regular vacancies in the department. Shri Rattan Kehri one of the applicant is not yet eligible for appointment against regular post as he has not been engaged for 206 days in each of the two years. They have also stated that they will be considered for regularisation in accordance with the instructions of the Govt. of India as and when they fulfil the requisite conditions.

3. Our attention has been drawn to the office order dated 28.11.1994 grant of temporary status to both the applicants w.e.f. 1.9.1993. As regards the regularisation the learned counsel for the respondents has drawn our attention to para 8 of the scheme framed by

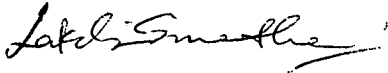
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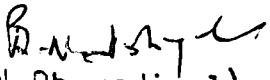
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the Department of Personnel, in which it is stated that out of every three vacancies in group 'D' cadres in respective of offices where the casual labourers have been working, two would be filled up from amongst casual workers with temporary status. We note the assurance given by the learned counsel for the respondents that these applicants will be considered for regularisation.

4. This OA is therefore, disposed of with a direction to the respondents that they shall strictly follow the procedure laid down by the Department of Personnel and Training (Grant of Temp. status and regularisation) scheme of Govt. of India, 1993 and consider the cases of regularisation of the applicants.

5. There will be no order as to costs.


(Lakshmi Swaminathan)
Member(J)


(B.N. Dhoundiyal)
Member(A)

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