

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

Original Application No.1584 of 2001.

Allahabad, this the 16th day of April, 2007.

Hon'ble Mr. Justice Khem Karan, Vice-Chairman

1. Manish Kumar S/o Late Madan Lal.
2. Mangru Prasad Sonekar S/o Kanahya Lal Sonekar.
3. Basant Lal S/o Chhedi Ram.

All C/o Manish Kumar R/o 36/45 Kutchery Varanasi.

...Applicant.

(By Advocate : Shri S.K. Dey
 Shri S.K. Mishra

Versus

1. Union of India, through the Secretary, Ministry of Finance, Central Board of Direct Taxes, New Delhi.
2. The Joint Commissioner of Income Tax, Varanasi.

...Respondents.

(By Advocate : Shri S.P. Sharma)

O R D E R

By Hon'ble Mr. Justice Khem Karan, V.C. :

The applicants have come with a case that they were engaged as casual labourer in 1997-98 and they continued working as such till September, 2001. They say that without considering their cases for conferring the temporary status under Casual Labourer (grant of temporary status and regularization Scheme of Govt. of India 1993 (Annexure-A-1) the respondents ousted them and inducted new hands in their place as mentioned in para-10. It has also been stated that the case for regularization was under consideration, but the engagement was abruptly discontinued so as to accommodate others. They pray that the respondents be directed to allow them to work and also to confer temporary status with all consequential benefits.

2. The respondents have filed reply contesting the claim of the applicant. According to them, the OA is not maintainable as the applicants were engaged as a casual labour on daily wages basis and were not holding any civil

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post. It has also been stated that scheme of 1993, as relied on in the OA, is not applicable to the casual labourers, who were inducted after issuance of that scheme.

3. In their rejoinder, the applicants have referred to certain orders (R-1, R-2) showing that persons inducted as casual labourer in 1997-98 were conferred the temporary status.

4. Shri S.K. Dey has contended that the cases of these three applicants for considering the conferment of temporary status under the Scheme of 1993, ought to have been considered as all of them had completed more than 206 working days. Learned counsel for the applicant has also submitted that there were no good reasons with ~~to~~ the respondents to dis-engage the applicants without any rhyme or reason and to induct fresh hands as casual labourer in their place. A bare perusal of the scheme of 1993 reveals that it was applicable to those casual labourers, who were working as such, on the date of issue of this scheme. Apparently, this scheme of 1993 does not apply to the applicants because they were inducted much after in 1997-98. No other scheme are amended scheme is on record so as to support the case of the applicants for conferment of temporary status, in so far as R-1 & R-2 are concerned, the Tribunal is of the view that the same will not help the applicants in absence of any specific rules or scheme. The fact that some persons, inducted as casual labourer in the year 1978-79 were conferred temporary status, will not result into a rule or scheme that persons inducted in 1997-98 can be conferred temporary status.

5. Moreover, after the constitution Bench decision rendered in State of Karnataka Vs. Uma Devi reported in SCC 2006^(b) on page 1 such casual labourer as before the Tribunal have no case for re-engagement or for regularization or for conferment of temporary status. So the OA being devoid of merits is dismissed. No costs.

*Ans, w
16.4.07*
Vice-Chairman