

Open Court

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH : ALLAHABAD

Original Application No. 1295 of 2004.

Wednesday, this the 17th day of November, 2004.

Hon'ble Mrs. Meera Chhibber, J.M.

1. Manoj Singh S/o Sri Raj Bahadur Singh  
Resident of House No.4, Gandhi Nagar,  
Agra.
2. Manoj Kumar Tankra S/o Sri Ashok Kumar Tankra  
resident of 15/204, Vipin Babu Ki Gali,  
Agra.
3. Atar Singh S/o Sri Jukum Singh  
resident of House No.63, Triveni Kunj,  
Bichpuri Road, Bedla, Agra.
4. Yogesh Sharma S/o Sri Lakhmi Chand Sharma  
Resident of House No.8/314, Bhairen Nala,  
Agra.
5. Rakesh S/o Sri Mangu Lal  
Resident of 13/46, Saheed Khan Mandi,  
Nala Bhudan Sayad, Agra-3.
6. Hyredesh Kumar S/o Sri Raghu Pal,  
resident of Sector-8, Avas Vikas Colony,  
Sikandra, Agra.
7. Brij Mohan S/o Sri Mahendra Kumar  
resident of C-1, Anurag Nagar,  
Balkeshwar Colony, Agra-4.

.....Applicants.

(By Advocate : Shri D.C. Saxena  
Shri S.S. Chauhan

Versus

1. Union of India  
through the Secretary,  
Ministry of Finance,  
New Delhi.
2. Deputy Commissioner,  
Central Excise,  
113/4 Sanjay Place  
Wazirpura Road, Agra.

.....Respondents.

(By Advocate : Shri V.K. Pandey)

ORDER

This O.A. has been filed as many as 7 applicants who



....2/-

have filed application under Rule 4(5) of CAT Procedure Rule seeking permission to file a joint applicant. Since all the applicants are casual labourer, therefore, this M.A. No.4703/04 is allowed.

2. By this O.A. applicants have sought a directions to the respondents not to dispense with their services and not to appoint other persons in place of petitioners. They have further sought a direction to the respondents to pay outstanding salary to the petitioners.

3. Grievance of the applicants in this case is that they were engaged as Casual Labourer between the year 1993 1998 to 1999 and they have already completed 240 days of service. Therefore, he is entitled for grant of temporary status and regularisation under the Government Scheme. They have further submitted that ~~his~~ salary for the month March 2004 to August 2004 has been withheld arbitrarily and they are being forced to go to some private contractor even though the work still available in the department for which they are engaging other persons. It is submitted by the applicants that they gave a legal notice dated 23.08.2004 to the respondent No.2 but so far no reply has been given to them and work is being taken from new faces. Therefore, they have no other option but to file the present O.A.

4. Counsel for the respondents submitted that this O.A. is absolutely vague and mis-conceived in as-much-as on one hand applicants stated that they were engaged as Casual Labourer between the year 1993, 1998 to 1999 but are referring to salary, which is payable only to a regular employee. They further submitted that applicants have not mentioned any date when ~~their~~ services were dispensed with and also there is no acknowledgement of the legal notice,

which

PS

which is stated to have been sent by the applicants advocate nor it was sent through registered post as there is no such reference on the legal notice. They have, thus prayed that the O.A. may be dismissed.

5. I have heard both the counsel and would agree with the respondents' counsel that petition is absolutely vague. Neither applicants have given the exact date when they were engaged as a Casual Labourer nor they have given any names who have been engaged after dispensing with their services as alleged by them. However, there is one aspect which needs to be looked into because applicants have stated that they have not been paid ~~his~~ <sup>their</sup> wages from March 2004 to August 2004. It is also correct that no such scheme has been annexed by the applicants with the petition under which they can claim grant of temporary status or regularisation. Govt. of India had issued a scheme in 1993 for grant of temporary status and regularisation. It has already been held by Hon'ble Supreme Court in the case of Mohan Pal that the said scheme was one time measure and benefit of same could be given only to such of the persons, who were engaged as on 10.09.1993 and had completed 240 days as on that date. In the instant case, admittedly as per applicant's own showing, they were engaged as Casual Labourer only in the year 1998<sup>and 1999</sup> <sup>1993,</sup> <sup>1998</sup> Therefore, they cannot get the benefit of scheme dated 10.09.1993. It is also seen that applicants have not shown any acknowledgement of the legal notice, which is stated to have been sent by their counsel. Therefore, no cognizance of that legal notice can be taken. It is ~~further~~ <sup>however</sup> made clear that in case applicant have not been paid their wages or any few faces are being engaged by the respondents, it would <sup>be</sup> open to the applicants to give ~~z~~ proper representation to the authorities concerned by giving all the details within a period of 4 weeks from the date of receipt of a copy of this order. In case they ~~gives~~ such a representation, I am sure authorities would apply

// 4 //

their mind to the grievances raised by the applicants and  
~~to~~ dispose off the same by reasoned and detailed order within  
a period of 6 weeks thereafter under intimation to the  
applicants.

6. With the above directions, this O.A. is disposed off  
at the admission stage itself with no order as to costs.



Member (J)

shukla/-