

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 11th day of April, 2002.

Original Application No. 1297 of 1994.

CORAM :-

Hon'ble Mr. S. Dayal, A.M.

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

G.P. Yadav S/o Shri Kishori Prasad Yadav,
R/o Village & Post Gharaha Chandra,
(Thakurpur), Distt-Deoria (U.P.)

(Sri Rakesh Verma, Advocate)

..... Applicant

Versus

1. Union of India through the
Director General, Central
Public Works Deptt., Dept..
of Central Public Works,
New Delhi.

2. Superintending Engineer,
Central Public Works Department,
Allahabad Central Circle, C.P.W.D.,
841, University Road, Allahabad.

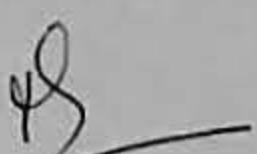
(Sri Rakesh Verma, Advocate)

..... Respondents

O R D E R (O_r_a_l)

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

The applicant in this OA has sought a direction to the respondents to grant temporary status and all benefits attached thereto w.e.f. 1-1-1993. to him in view Central Labour (Grant of Temporary Status and Regularisation) Scheme dated 1-1-1993 issued by the Govt. of India, Ministry of Personnel, Public Grievances and Pension, Department of Personnel & Training and also another direction to the respondents to pay ^{the} ~~the~~ petitioner same wages as have been paid to other staff in the pay scale of Rs.750-940 with D.A., H.R.A. and C.C.A. and annual increments etc. The applicant has stated that even though



he was initially engaged as part time Farras in March, 1989 (Annexure-1, Pg 24) with the respondents . The respondents have been taking full time work from him. It is evident from other annexures filed by him, namely, Annexure-3, P.24, wheredin the respondents' own officers had put up the note sheet stating therein that since the applicant has been working full time, it would be proper to give him daily wages. In fact the officers had categorically stated that he had been working from 9.30 A.M. to 6 P.M. every day and looking at his efficiency and loyalty, integrity and honesty Rs.400/- given to him is too less and he should at least be given Rs.27/- per day w.e.f. 1-4-1991 as is being given to the Messengers daily wages. The applicant states that the same note was approved and was duly signed on P.26. He has also relied another letter dated 17-4-1993 at Annexure-6 P.29 of the OA wherein the Executive Engineer, Allahabad, Central Circle has addressed a letter to the Executive Engineer, Headquarters, stating therein categorically that even though Sri Gurhu Prasad had been engaged as part time worker but full time work had been taken from him. Therefore, in case other workers were being regularised the name of the applicant should also be included therein. On the basis of this letter the applicant states that it is amply clear that the officers have been admitting that the applicant had been shown to be part time only on paper and in fact full time work was taken from him and since he had been working as full time Farras he is entitled to the grant of temporary status under the scheme dated 1-1-1993 alongwith others.

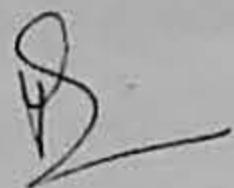
2. The respondents on the other hand have contested the claim of the applicant by stating that the documents annexed with OA clearly shows that the applicant was engaged as

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part time and the noting annexed by the applicant being only internal notes cannot give any right to the applicant and the fact remains that whenever he had worked extra, he was paid extra for the said work. Therefore, even though the proposal was sent to the higher authorities but the same was rejected by the authorities on the ground that since he was engaged on part time he was not entitled to the benefit of the scheme of 10-9-1993.

3. We have perused the pleadings and seen the Annexures carefully. It is seen from Annexures that the officers have written in their hand^y that the applicant had been made to work for full time and was being paid rather less as compared to the work taken from him and the applicant has made specific averments to this effect in the OA. The grievance of the applicant has not been disputed by the respondents at all and the reply is rather evasive. Since the applicant had annexed the documents, the ^{authenticity of} ~~security~~ of which is not disputed by the respondents, it would be in the fitness of things if the matter is remanded back to the respondents with direction to take into consideration the notings as also various correspondences of the office given by their own officials ⁱⁿ ~~under~~ the departmental files and if the same is correct, to consider the case of the applicant for grant of temporary status in terms of the scheme dated 10-9-1993. It has been reported from time to time at least the Govt. ^{and} must pay employees emoluments ^{if} full time work has been taken from the applicant, the respondents must show their grace and accept the position and grant whatever relief the applicant is entitled to in accordance with the scheme. We are ^{sure} that the respondents would give due consideration to the observations made by us hereinabove, at the time of passing a final detailed and speaking order with copy to the applicant.

4. With the above observations and directions the
UA is disposed of with the direction to the respondents
to consider the case of the applicant for granting
temporary status to the applicant in terms of the
scheme dated 10-9-1993 and pass a speaking and reasoned
order within a period of three months from the date of
receipt of a copy of this order. With the above direction
the UA is disposed of with no order as to costs.



Member (J)



Member (A)

Dube/