

Open Court.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD.

....

Original Application No. 1305 of 1995

this the 24th day of May 2002.

HON'BLE MR. S. DAYAL, MEMBER (A)
HON'BLE MRS. MEERA CHHIBBER, MEMBER (J)

Neeraj Kumar Tewari, aged about 20 years, S/o Sri
Virendra Kumar Tewari, R/o 99-B Newada Housing Scheme,
Ashok Nagar, Allahabad.

Applicant.

By Advocate : Sri S.K. Tyagi

Versus.

1. Union of India through the Secretary, Ministry of Environment, New Delhi.
2. The Director, Institute of Social Forestry & Eco-Rehabilitation, C-184, Kareli, Allahabad.
3. Director General, Indian Council of Forest Research & Education, P.O. New Forest, Dehradun.
4. Sri K.K. Misra, S/o Sri Gaya Prasad Misra, R/o 182, Gobindpur, P.O. Taliarganj, Allahabad.

Respondents.

By Advocate : Sri P. Mathur.

ORDER (ORAL)

BY HON'BLE MR. S. DAYAL, MEMBER (A)

This application has been filed for grant of temporary status w.e.f. 31.5.95 after completion of 120 days continuous service on a clear vacant post. He also seeks conferment ^{of status as} as a Class IV employee w.e.f. 30.8.95 on completion of 240 days of work. He further seeks difference of pay & allowances from 30.8.95 onwards.

[Signature]

2. The applicant has claimed that he entered in the service as daily rated casual labour on 14.11.92. It is claimed that there was no break in the service of the applicant except Saturday, Sunday and gazetted holidays. It is claimed that the applicant was senior to one Sri Krishna Kumar Misra (respondent no.4), who ^{had} ~~was~~ entered the Institute on 19.11.92. He claims that he had performed various duties including driving of car, his services were terminated on 30.8.95 orally. It is claimed that the post of Peon is available in the office of the respondents for which the applicant can be accommodated.

3. We have heard Sri S.K. Tyagi, learned counsel for the applicant and Sri P. Mathur, learned counsel for the respondents.

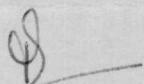
4. We find from the Counter reply that the respondents have denied that the applicant worked for 240 days, which were required for grant of temporary status, under the aforesaid instructions of the Govt. for the purpose. It is also denied that the applicant had worked for Driver as the applicant was only 17 years of age, hence he could not have been given the driving licence. As regards Sri Krishna Kumar Misra, the respondents have stated that he was engaged for driving vechile and was ^{in a} ~~the~~ different category from the applicant. He was being paid the daily rate for skilled category, while the applicant was being ^{paid} ~~as~~ un-skilled category.

5. The basic issue in this case is whether the applicant was entitled to grant of temporary status, which he claims that the same has been granted after completion of 120 days. However, the instructions of the Govt. required 240 days of work to be put in by a casual labour for grant of temporary status within one year. There is a claim that the applicant had

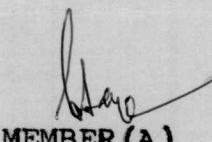
worked from 14.11.92 to 30.8.95 and had completed 240 days of work in one year. The respondents have denied, but have not given the exact days of working of the applicant in various years.

5. Since the claim of the applicant has not been examined by the respondents in the light of the working days put in by him from 14.11.92 onwards, the respondents are directed to verify the number of working days put in by the applicant in various years and incase the applicant had worked for 240 days in an year in pursuance of the instructions of the Government vide their letter dated 10.9.93 regarding grant of temporary status to a casual labour, the applicant may be granted temporary status ^{and considered for being} ~~after being~~ re-engaged as and when a vacancy becomes available in the establishment of the respondents.

The O.A. stands disposed of as above without any order as to costs.



MEMBER (J)



MEMBER (A)

GIRISH/-