

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD

Dated: Allahabad, the 21st day of March, 2001.

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

ORIGINAL APPLICATION NO. 746 OF 1999

Churamani Prajapati, aged about 33 yrs,
son of Shri Shiv Kumar Prajapati,
resident of village Sakarasi,
P.O. Bharkhare, District Sultanpur.

. Applicant

(By Advocate: Sri C.B. Gupta)

Versus

1. Union of India through the Secretary,
Indian Council of Agricultural Research,
Krishi Bhawan, New Delhi.
2. Project Director, Cropping System Research,
Pallavpuram Modipuram, Meerut.
3. Administrative Officer,
office of the Project Directorate
for Cropping System Research,
Pallavpuram Modipuram, Meerut.

. Respondents.

(By Advocate Sri N.P. Singh)

O_R_D_E_R (ORAL)

(By Hon'ble Mr. S. Dayal, AM)

This Original Application has been filed
for direction to the respondents to consider the
regularisation of the applicant on the basis of

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provisions of Ministry of Home Affairs O.M.No.4/9/61-Estt.(D) dated 9.8.61 and 16.9.61. A further direction is sought to the respondents to regularise the service and to pay leave salary with effect from the date he completed 240 days continuously in two years and pay back wages after making adjustment of the amount already paid as daily rated casual labour.

2. The case of the applicant is that he was initially engaged as daily rated casual labour and posted as Watchman during the period of 21.4.1989 to 6.8.1990. The Respondent No.2 obtained the names of suitable candidates for the post of Labours/Beldars/Watchmen on 30.10.90 and 29.11.99. A Selection Committee was constituted for screening and selection of daily wages labour for Fam work and after the selection, the applicant was engaged on 1.12.90. The Employment Officer, Meerut was informed by a letter dated 4.12.90 of the Respondent No.2 that 49 candidates from the list submitted have been selected. The applicant was found fit for employment as Fam Labour/Watchman in Cropping System Research and was employed w.e.f. 1.12.1990. It is stated that the respondents are maintaining seniority list of Watchman, Casual Labour and Beldars separately and the list notified and submitted to Respondent No.2 by the Fam Superintendent, Cropping System Research, Modipuram, Meerut, includes the name of the applicant. It is claimed that under the instruction of Ministry of Home Affairs O.M. No.4/9/61-Estt(D) dated 9.8.61 and 15.9.61 a Fam Labour, who had to put in at least 240 days in service as

casual labour was entitled to appointment to the post on the regular establishment without any reference of Employment Exchange. The broken period of service rendered by them was also to be taken into account for calculation of 240 days. The applicant claims to have submitted a representation for regularisation, vide his representation dated 12.8.92, as he had completed 240 days in each of two years. He also claimed for absorption on regular post on account of eligibility. He claims that Respondent no.2 had granted temporary status to 27 similarly situated employees, who were earlier selected by the Selection Committee along with the applicant. He thereafter preferred a representation which is still pending consideration.

3. Arguments of Sri C.B. Gupta, learned counsel for the applicant and Sri N.P. Singh, learned counsel for the Respondents have been heard.

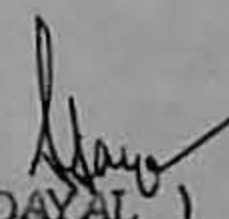
4. While the learned counsel for the applicant claims that the applicant was entitled to conferment of temporary status on the basis of letter of In-charge Administration to the Desk Officer, Indian Council of Agricultural Research dated 12.19.98, he has drawn attention to Paragraph-2 of the said letter, in which it has been mentioned that the temporary status was granted to all labourers, who had put in 240 days any time during 1971 to 1993 and those casual labourers, who had rendered 240 days during any of 12 consecutive calendar months ^{til} September, 1993. The learned counsel for the applicant contends that it was on the basis of this policy that the temporary status was conferred on 27 casual labourers.

5. The learned counsel for the Respondents has contested this claim of the learned counsel for the applicant that the applicant is entitled to conferment of temporary status on the basis of letter dated 12.10.98. He has stated that the temporary status is granted on the basis of the scheme framed by the Ministry of Personnel, P.G. and Pensions, Department of Personnel & Training Office Memorandum dated 10th September, 1993.

6. I have carefully considered the claim of the applicant. I find that even in the said letter dated 12.10.98, the reference point was September, 1993. This shows that 27 labourers, who were granted temporary status, were considered in the light of Office Memorandum of Ministry of Personnel, P.G. and Pensions dated 10.9.1993. This Office Memorandum requires that the casual labourers should be in employment on the date of issue of Office Memorandum and should have rendered a continuous service of at least one year.

7. The applicant was not in employment after 1992 according to his own admission and 15.8.1990 according to Annexure No.1 annexed to the counter reply. It is not necessary to find out what was the last date of employment, because on both counts, the applicant was not in service on 10.9.1993, which was the relevant date for conferment of temporary status. The claim of the applicant is, therefore, not valid and the Original Application is, therefore, dismissed.

No order as to costs.


(S. DAYAL)
MEMBER (A)

Nath/