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Open Court.

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD.

Original Application No.84 of 2002

Alongwith

Original application No.83 of 2002.

with

Original application No.85 of 2002.

With

Original Application No.103 of 2002

with

Original Application No.104 of 2002

Allahabad this the 14th day of May 2004.

Hon'ble Mr. Justice S.R. Singh, Vice-Chairman.

Bhola Singh
aged about 28 years
son of Sri Ram Singhasan Singh,
R/o L.B. 58 Pallav Puram Phase II
Modi Puram, Meerut.

.....Applicant in O.A 83/02.

(By Advocate : Sri L.M. Singh)

Krishna Kumar Tiwari
aged about 32 years
son of Sri Kamal Nain Tiwari,
Resident of Village Shri Ram Pur
Rawalpuri, Post- Lala Diyara District Sultampur.

.....Applicant In O.A. 84/02

(By Advocate : Sri L.M. Singh)

Narendra Deo Shukla
aged about 35 years,
son of Sri Ram Sajeevan Shukla,
Resident of Village Padari, Post
Bharroh (Gola Bazar) District Gorakhpur.

..... Applicant in O.A. 85/02.

(By Advocate : Sri L.M. Singh)

Ved Prakash Tripathi
aged about 32 years
son of Sri Dinesh Tripathi
Resident of CL 45 Pallav Puram Phase I
Modi Puram, Meerut.

.....Applicant in O.A 103/02

(By Advocate : Sri L.M. Singh)

(R.M.S)

Mohendra Kumar Upadhyay
aged about 32 years
son of Sri Ram Dee Upadhyay,
Resident of Shri Ram Pur, P.O. Lama Bandutha,
Bare Diyara District Sultanpur.

.....Applicant in O.A.104/02

(By Advocate : Sri L.M. Singh)

Versus.

1. The Secretary, Indian Council of Agricultural Research, New Delhi.
2. The Project Director, Cropping Systems Research, Pallav Puram, Modi Puram, Meerut.
3. Union of India through the Secretary, Ministry of Agriculture Government of India, Krishi Bhawan, New Delhi.

.....Respondents in all O.A.s

(By Advocate: Sri B.B. Sirohi)

O_R_D_E_R

The common question of law and fact are involved in these five connected O.A.s and it would be convenient to dispose them of by a common order.

2. The applicants herein were engaged as daily rated casual workers under the Project Director, Cropping Systems Research, Pallavpuram, Modi Puram, Meerut. They instituted O.A. No.1091/1993 for issuance of a direction to the respondents to consider their case for regularization/grant of temporary status in accordance with the scheme of regularization of casual workers formulated vide office memorandum No.51016/2/90-Estt.C Government of India, Ministry of Personnel & Training, New Delhi dated 10.09.1993, a copy of which has been annexed to the O.A. The Tribunal by its order dated 18.04.2001 directed the respondents to pass necessary orders regarding grant of the temporary status to the applicants herein in the light of the above scheme within a period of four months from the date of communication of the order. By impugned order dated 14.08.2001,

(Annexure A-1), the claim of the applicants for grant of temporary status in accordance with the scheme aforesated has been rejected either on the ground that some of the applicants were not in employment on 10.09.1993 or that some others did not complete 240 days period of employment as casual labours in a year as indicated against the name of each of the applicants.

3. It is submitted by the learned counsel that applicants have received the wages in the month of June 1993 and in July, they instituted the O.A. referred to above in which they got interim order of status quo and since no specific order of termination of services of the applicants were passed, they would be deemed to have been in service on relevant date i.e. 10.09.1993. It has also been pleaded by the learned counsel for the applicants that while examining the question whether the applicants had been engaged in service for the period of 240 days (206 days in case office observing 5 day's a week), the respondents failed to take into account the office order dated 18.07.1991 which lays down the procedure for computation of working days of daily wages muster roll employees.

4. Respondents have produced the Muster Roll of September 1993. The names of the applicants does not find place in the Muster Roll of Work People Employed in the month of September 1993 but that by itself will not be enough to hold that the applicants were not in employment i.e. 10.09.1993 if they were actually in employment in June 1993 for the reason that on the basis of interim order of stay they would be deemed to be continuing as Daily rated employees. In the counter affidavit, it has been stated that the respondents have not discontinued the applicants as they themselves left their work on their own discretion. The grant of temporary status under the scheme aforesated was one time programme as held by Hon'ble Supreme Court

(H.S)

in the case of Union of India and another Vs. Mohan Pal and others, 2002 Supreme Court Cases (1&S) 577, but in case the applicants are held to be in employment as Casual Labourers on 10.09.1993 i.e. the date of issue of scheme and they had rendered a continuous service of at least one year which means that they had been in engagement for the period of 240 days (206 in the case of office observing 5 days a week) they would be entitled for grant of temporary status. In that view of the matter the question needs to be examined in the light of the observation made in the order after taking into reckoning the office order dated 14.08.2001.

5. Accordingly the O.A. succeeds and is allowed. The impugned order dated 14.08.2001 is set aside and the Competent Authority is directed to take appropriate decision in respect of the applicants claim a fresh in the light of the observations made in this order within a period of three months from the date of receipt of a copy of this order.

No costs.