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O.A.No.441/1998.

ORDER DA-TED 4TH JULY, 2002.

Applicant, who has been working on casual basis under the Respondents, prays in this Original Application u/s.19 of the A.T.Act,1985 for a direction to the Respondents to confer him temporary status from the date when his juniors named in Annexure-5 were conferred with temporary status with consequential service and financial benefits.

Short of unnecessary details, it would suffice to say that the Applicant has been continuing as a casual labourer under the Respondents with effect from 8th April, 1994. It is stated that he had put in more than 240 days in a year starting from 1994 to 1998 (as explained in para 4.4, at page 4 of the Original Application) and even though as per the circulars issued by the Government of India, Ministry of Personnel, Public Grievance and Pensions, Department of Personnel and Training, New Delhi with regard to conferment of temporary status, he is/was entitled to be conferred with temporary status, with all other consequential benefits, in a most illegal manner, he has been deprived of getting the same and on other hand, temporary status have been conferred with the persons who have been engaged much after the Applicant on casual basis and had put less number of work than the Applicant. Hence this application with the aforesaid prayer.

Respondents have filed their counter stating that the applicant is not entitled to be conferred with temporary status since his name had not been sponsored through employment

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exchange. But no where the Respondents have denied the engagement of the Applicant nor his assertion about the completion of 240 days in a year starting from 1994 to 1998. Further it is evident from the counter that the Respondents have also not denied the conferment of temporary status on the juniors of the Applicant named in the representation at Annexure-5. It is also submitted by the Advocate for the Applicant that the persons on whom temporary status have been conferred, their names were also not sponsored through employment exchange at their initial engagement and as such ~~the~~ plea of the Respondents with regard to coming through employment exchange, is an after thought.

Having heard Mr. Mishra, learned Counsel for the Applicant and Mr. S. Behera, Learned Additional Standing Counsel for the Respondents and upon perusing the records, it is crystal clear that the Applicant is entitled to be conferred with temporary status. In the aforesaid premises, Respondents are directed to consider the case of the Applicant for conferment of temporary status by taking into consideration the first 240 days engagement in a calendar year and having done so, his case should also be considered for being brought over to regular establishment/ Group D post from an appropriate date, retrospectively; The entire exercise should be completed by the Respondents within a period of three months hence.

With the above observations and directions, this Original Application is disposed of. No costs.

MEMBER (JUDICIAL)