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CENTRAL ADMINISTRATIVE TRIBUNAL,

CUTTACK BENCH, CUTTACK.

ORIGINAL APPLICATION NO.231 OF 2000

Cuttack, this the ^{29th} April, 2003

Paleswar Bag and others

Applicant

Vs.

Union of India and others

.....

Respondents

FOR INSTRUCTIONS

1. Whether it be referred to the Reporters or not? ~
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not? ~


(B.N. SOMI)

VICE-CHAIRMAN

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CENTRAL ADMINISTRATIVE TRIBUNAL,

CUTTACK BENCH, CUTTACK.

ORIGINAL APPLICATION NO.231 OF 2000

Cuttack, this the ^{24th} April, 2003

CORAM:

HON'BLE SHRI B.N.SOM, VICE-CHAIRMAN

.....
Paleswar Bag and 97 others

Applicants

Vs.

1. Union of India, represented through its Secretary, Ministry of Agriculture, Department of Animal Husbandry and Dairying, Krishi Bhawan, New Delhi.
2. The Secretary, Ministry of Personnel, Public Grievances and Pensions, Department of Personnel & Training, North Block, New Delhi 110 001.
3. The Director, Central Cattle Breeding Farm, At Chiplima, P.O. Basantapur, Dist. Sambalpur..... Respondents.

Advocates for the applicants - M/s S.N. Satpathy & S.J. Parham.

Advocate for the Respondents - Mr. A.K. Bose, Sr. C.G.S.C.

ORDER

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SHRI B.N.SOM, VICE-CHAIRMAN

This Original Application has been filed by Shri Paleswar Bag and 97 others, temporary status holder casual labourers, working in Central Cattle Breeding Farm,

Chiplima, Sambalpur. The applicants, relying on the decision of the Hon'ble Supreme Court in the case of Union of India vrs. A.K.Sarkar, 1998 SCC (L&S) 1743, have prayed for a direction to the Respondents to pay them arrears of wages from 1.1.1986 to 7.6.1988.


2. The admitted fact of the case is that the applicants have been granted temporary status by the Respondents under the Scheme, called, Casual Labourers (Grant of Temporary Status and Regularization) Scheme of Government of India, 1993. Whereas from the date of their engagement, they were being paid wages as casual workers according to the Minimum Wages Act by the competent authority, their wages were revised at the rate of $1/30^{\text{th}}$ of the pay at the minimum of the pay scale of Group D with effect from 7.6.1988 plus other allowances. They have submitted representations to Respondent No.1 on 13.5.1999 seeking grant of temporary status with effect from 1.1.1986 and accordingly, their emoluments be revised from that date. The said representations of the applicants were duly considered by Respondent No.1 and disposed of in the negative. Aggrieved by the action of the Respondents, they have approached the Tribunal for redressal of their grievances.

Shri S.N.Satpathy

3. I have heard the learned counsel for the applicants ~~as~~ also Shri A.K.Bose, learned Senior Standing Counsel for the respondents who have also controverted the claims of the applicants by filing counter. At the outset, the Respondents have objected to the Application on the ground that it is grossly barred by limitation since the applicants have not approached the Tribunal within one year from the date of cause of action as provided under Section 21 of the Administrative Tribunals Act, 1985. The respondents have submitted that all the temporary status holder workers have been working as per daily requirement of the Farm and no particular designation has been conferred to any one of them by Respondent No.1.

4. I have also perused the records placed before me and the citations relied on by the learned counsel for the applicants and considered the submissions made by the learned counsel for both the parties. The applicants' main plea is that the scheme of 1993 introduced by the government of India to grant temporary status to them should be ante-dated from 1.1.1986 and accordingly their emoluments revised from that date and arrears paid to them. To buttress their claim, they have relied on the judgment of the Apex Court in the case of Union of India v. A.K.Sarkar, referred to earlier. In their memorandum to Respondent No.1 (Annexure 3 series) they have relied on the Apex Court decision in the case of Mohd. Ghani v. National Geophysical Research Institute and others, SCC (L&S) 1473. Their reliance on the case between Union of India v. A.K.Sarkar is misplaced as the subject matter dealt in that case related to payment of subsistence allowance. Similarly, their reliance on the decision of the Apex Court in Mohd. Ghani and others v. National Geophysical Research Institute and others is also not apt for the matter of demanding ante-dating of the scheme for grant of temporary status and regularization to the casual labourers. As the relief claimed by them relates to ante-dating of the Scheme of 1993, I agree with the submissions of the Respondents that the Application to that extent is hopelessly barred by limitation since a Scheme which came into operation with effect from 1.9.1993 cannot be called in question after lapse of about seven years. It is to be mentioned here that the said scheme has been subjected to judicial scrutiny at the highest forum and it has been held by the Apex Court that "it is up to the Union Government to formulate any scheme as and when it is found necessary that the casual labourers are to be given 'temporary status' and later they have to be absorbed in Group D posts". I quote this observation of the Apex Court in the case of Union of India and another v. Mohan Pal, Civil Appeal No.3164 of 2002.

5. With the above observation of the Apex Court, the whole matter should come to a rest that the Scheme date for grant of temporary status and regularization of service of casual labourers was the prerogative of the Government to introduce from a given date and that should be acceptable to the beneficiaries. The date of effect cannot be made a matter of adjudication and surely, in the present Original Application. No such case has either been made out over and above the fact that it is hopelessly barred by time.
6. In the result, the Original Application fails. No costs.


(B.N.SOM)

VICE-CHAIRMAN

AN/PS

