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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH : CUTTACK

ORIGINAL APPLICATION NO.650 OF 2001
Cuttack this the 7th day of November/2002

Ganeswar Nayak

...

Applicant(s)

-VERSUS-

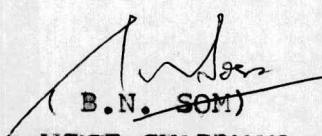
Union of India & Others


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Respondent(s)

(FOR INSTRUCTIONS)

1. Whether it be referred to reporters or not ? No.
2. Whether it be circulated to all the Benches of the Central Administrative Tribunal or not ? No.


(B.N. SOM)
VICE-CHAIRMAN


(A.S. KHAN)
MEMBER (JUDICIAL)

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CENTRAL ADMINISTRATIVE TRIBUNAL
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO.650 OF 2001
Cuttack this the 7th day of November/2002

CORAM:

THE HON'BLE MR. B.N. SOM, VICE-CHAIRMAN

AND

THE HON'BLE MR. A.S. KHAN, MEMBER(JUDICIAL)

...

Ganeswar Nayak, aged about 27 years,
Son of Dibakar Nayak of Sankarajanga
PO:Gollabandha, Via: Hakimpara,
District-Angul

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Applicant

By the Advocates

M/s.S.K.Mishra
S.Dash

-VERSUS-

1. Government of India, Department of C.B.D.T.
represented through the Pr. Chief Controller,
of Accounts, C.B.D.T. Loknayak Bhawan (9th
Floor) Khan Market, New Delhi-3
2. The Assistant Controller of Accounts,
Zonal Accounts Office (CBDT), Ayakar Bhawan
(5th Floor), Bhubaneswar, District;Khurda
3. Controller of Accounts, C.B.D.T.,
Calcutta, Camp at Bhubaneswar, District:Khurda

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Respondents

By the Advocates

Mr.A.K.Bose,
Sr.Standing Counsel
(Central)

O R D E R

MR.A.S.KHAN, MEMBER(J): The applicant has approached this Tribunal for quashing ~~any~~ order of the respondents, if any, terminating his services as a Casual labourer and also for directing the Respondents to regularise his service on the basis of the representation dated 07.03.2001, with all consequential benefits.

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2. The case of the applicant is that he was engaged as a Casual Labourer with effect from 4.12.1996, that he had put in 211 days as casual labourer in the year 1996-97 and 1997-98, that he had worked for 316 days in the year 1999-2000 and for a period of 275 days in the year 2000-2001, that the relevant Rules provide that he is entitled to Temporary Status and regularisation if he had completed 240 days (206 days in cases offices observing 5 days a week) in any two years, that the failure on the part of the Respondents to regularise his services as a casual labourer is arbitrary, illegal and in violation of Rules in question. Under these circumstances, the applicant has prayed for the relief stated above.

3. The Respondents in their counter have contended that the applicant was engaged as casual labourer on daily wage basis with effect from 4.12.1996, that the applicant was removed from service with effect from 6.11.2001 as no work of casual nature was available in the office, that the applicant worked as a casual labourer with service breaks in between and that the applicant is not entitled for regularisation under the Rules. Under these circumstances, the Respondents pray for dismissal of the above Original Application.

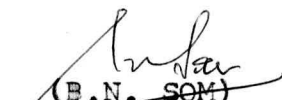
4. The applicant has filed a rejoinder reiterating his contention in the Original Application.


5. Heard the learned counsel for the Applicant and the Respondents and considered the pleadings and the records of the case.

5. The point for consideration in this case is

whether the applicant is entitled for regularisation under the Rules. Admittedly, the applicant was engaged as a casual labourer with effect from 4.12.1996 only. The Rules relating to regularisation of casual labourer are contained in D.O.P.T. Scheme of the year 1993. The Supreme Court in a decision reported in 2002-II-LLJ Page 558 has categorically held that the D.O.P.T. Scheme of the year 1993 is not an ongoing scheme but a one-time measure and that the said scheme is applicable only to the persons who were in service on the date of the scheme, i.e., 01.09.1993. As the applicant was engaged as a casual labourer only on 4.12.1996, the above D.O.P.T. Scheme of the year 1993 is not applicable to him and that he cannot claim the benefit under the said scheme. Under the circumstances, we hold that the applicant is not entitled for regularisation. Moreover, the applicant has already been removed from service by the Respondents with effect from 6.11.2001. Hence, there are no merits in the above Original Application.

6. In the result, this Original Application is dismissed with no order as to costs.


(B.N. SOM)
VICE-CHAIRMAN


(A.S. KHAN)
MEMBER (JUDICIAL)

Bjy/