

257/03

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

On 21.7.04

Copy of order prepared for counsel for both sides.

1917

21/7/04
Sd

On 21.02.04

For Hearing with
MD 528/04.

1908/04

Bund

On 11.8.04

For Hearing with
MD 528/04

1917

Bund

On 25.8.04

Copy of order prepared for counsel for both sides.

1917

25/8/04
Sd

11/08/04

On the prayer of Mr. A.K. Bose, Ld. Sr. Standing Counsel appearing for the Respondents the matter is adj. to 25/08/04 for hearing.

Member (J)

Order dated 25.8.2004

Heard the counsel of both the sides and perused the records placed before me.

The applicant, in this O.A. has approached the Tribunal with prayer for direction to be issued to Respondent No.2 to in his former post reengage him/as casual labourer and to allow him the pay of 1/30th of scale of Group-D as was allowed to him with effect from 1.10.1996, treating the period of break as duty with all other financial and service benefits.

The plea of the applicant is that he had worked continuously for eight years in from 1.4.1992 to 1.5.2000 and from 1.5.2002 to 1.12.2002, but he was not granted temporary status nor was he given any benefit of scale of pay of regular Group-D employee. The

The Respondents, while denying the claim of the applicant, have admitted that the applicant was engaged during the period from July, 1992 (not from April, 1992, as stated by him) to 1.5.2000 and again from May, 2002 to November, 2000 intermittently only.

Therefore, they have opposed the claim of the applicant as imaginary by stating that the O.A. being devoid of merit is liable to be dismissed. This averment made in the counter has not been controverted by the applicant in his rejoinder nor has he placed before the Tribunal any evidence of his working continuously from July, 1992 to 1.5.2000.

During the oral inquiry, the learned counsel for the applicant strenuously argued that although he has not given any proof of his actual days' of working, if an opportunity is given, he would be able to place the facts to prove his case. Although such an opportunity is not available at this stage of the consideration of the O.A., ~~however~~, having regard to the long period of association of the applicant with the Respondents-organisation, I agree to give him an opportunity to make out a better case in support of his claim. Accordingly, I hereby direct the applicant to submit a representation to Res.No.2 giving out full details of ~~the~~ dates of his engagement right from April/July, 1992 to 1.5.2000. The applicant however, should keep in mind that as per rules, the claim of temporary status/regularisation would arise only had he been engaged continuously ^{for} three years and every year for ²⁴⁰ ~~120~~ days. If such a representation, as directed above, is filed by the applicant within a period of 60 days from the date of receipt of this order, then the Res. No.2 should pass a reasoned order thereon within a period of 90 days from the

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date of receipt of such representation.

With the above observation and direction,
this O.A. is disposed of. No costs.

VICE-CHAIRMAN

[Signature]
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