

Central Administrative Tribunal
Calcutta Bench

OA/367/96

Date of Order: 22-9-03

Present :

Hon'ble Mr.B.P.Singh, Administrative Member
Hon'ble Mr.Nityananda Prusty, Judicial Member

Amar Kumar Banik & 2 ors. Applicants
-Vs.-

Union of India (Defence) & 4 ors.
Respondents

For the applicants : Mr.P.Chatterjee, Counsel

For the respondents : Mr.M.S.Banerjee, Counsel

O R D E R

B.P.Singh, AM

This application has been filed by the 3 applicants who are working as casual canteen labours in Gun and Shell Factory, Cossipore. The applicants have filed this application for non-grant of temporary status to them though they had fulfilled the basic condition of completing 240/206 days service in a particular year. The applicants have prayed for the following reliefs :-

- a) Declaration that your applicants are entitled to confirmment of temporary status on them as Canteen Workers or any other equivalent posts;
- b) Direction for confirmment of temporary status on your applicants as Canteen Labours with the Indian Ordnance Factories, Gun & Shell Factory, Cossipore, Calcutta;
- c) Direction for granting all the benefits, salary scale and other allowances as have been prescribed under Office Mo.No.128(A) dt.22-3-94;
- d) Direction for giving the minimum wages equivalent to Schedule D posts to your applicants;

e) An order of injunction restraining the respondents from dismissing and/or not allowing your applicants from rendering their services for at least 240 days in a year and an interim order in terms of the said prayer;

f) Leave may kindly be granted to file this application jointly as they have common interest and same relief sought for under Rule 4(5)(a) of CAT Procedure Rule (Procedure 1987).

2. The brief facts of the case is that the applicants were appointed as casual labour in June, 1991, June, 1992 and May, 1993. The applicants have categorically stated at page 9A of the OA that the applicant No.1 was qualified for acquiring temporary status on 20.3.94, applicant No.2 on 20.3.95 and applicant No.3 on 20.1.96. They should have therefore been granted temporary status with all other service benefits accordingly.

3. The applicants made representation to the authorities in this respect but they did not get any reply. They have also submitted that a few of their colleagues who were similarly engaged as casual labourers were granted temporary status but, the applicants were not granted the same when they have fulfilled the condition prescribed for such grant. Aggrieved with the above, the applicants have filed this OA.

4. We have heard ld. Counsels for both sides. Reply has also been filed in this case. We have gone through the OA and the reply.

5. The main contention of the ld. Counsel for the applicants is that since the applicants have completed 240/206 days of service in a year in March, 1994, March, 1995 and January, 1996 they should have been granted temporary status in view of the DOPT Memo regarding Casual Labourers (Grant of Temporary Status and Regularisation) Scheme of Govt. of India 1993. A copy of the same has

enclosed as Annexure B along with the OA. Ld. Counsel has further submitted that similarly placed colleagues of the applicants who have already completed 240/206 days of service have already been granted temporary status and the present applicants who have also fulfilled the prescribed conditions should also have been granted the same. Thus the applicants have been discriminated. Their case is covered by the provisions of the Scheme and therefore they should be granted temporary status with all consequent benefits.

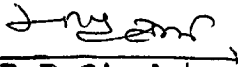
6. Ld. Counsel for the respondents submitted that casual labourers (Grant of Temporary Status and Regularisation) Scheme of Govt. of India 1993 has been held to be one time scheme by the Hon'ble Supreme Court in the decision dt. 29.4.2002 in the case of UOI & Others -vs- Mohan Patel etc. etc. reported in 2002(2) Administrative Total Judgement Pages 215-219. In view of the above decision of the Hon'ble Apex Court, Ld. Counsel submits that since the applicants did not fulfil the requirements of the said scheme they are not entitled to be granted temporary status. According to that scheme the temporary status has to be granted to casual labourers who were in employment on the date of issue of the said memo namely on 1.9.93 and have completed at least 240/206 days of service on that date. These applicants have not fulfilled the requirements of this rule and, therefore, they are not entitled. So far as other 11 applicants in OA/913/94 in which the applicants were also parties are concerned it was categorically held that these three present applicants could not be conferred temporary status since they had not completed the required number of days of service as casual labourers on that date. In view of the above, Ld. Counsel submitted that the applicants are not covered under the provisions of 1993 scheme as the said scheme is one time scheme as held by the Hon'ble Supreme Court.

7. In view of the above submissions of the Ld. Counsels, regarding the provisions of Casual labourers (Grant of Temporary

Status and Regularisation) Scheme of Govt. of India 1993 as well as Hon'ble Apex Court decision referred to above, the applicants are not entitled to reliefs prayed for in the OA as the said scheme has been held to be one time scheme by the Hon'ble Supreme Court.

8. In view of the above we dismiss the application without any order as to costs. Further in case the applicants claim relief on the basis of some other decision of the Hon'ble Supreme Court for redressal of their grievance if any, they are at liberty to approach the appropriate forum for the same.


Nityananda Prusty,
Judicial Member.


B.P. Singh,
Administrative Member.