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CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH
JODHPUR

Date of Order: 5.12.95.

O.A.No.198/95.

Arjun Ram & Others

...Applicants.

V E R S U S

Union of India & Ors.

...Respondents.

Mr. Vijay Mehta, Counsel for the applicants.

Mr. Ram Narayan, brief holder for

Mr. P.P.Chaudhary, Counsel for the respondents.

CORAM:

Hon'ble Mr. Gopal Krishna, Vice Chairman.

Hon'ble Ms. Usha Sen, Administrative Member.

PER HON'BLE MR. GOPAL KRISHNA:-

Applicants Arjun Ram, Swaroop Singh, Lal Bahadur and Mehardeen have prayed in this application under Section 19 of the Administrative Tribunals Act, 1985, for quashing the verbal order of termination as also for a direction to the respondents to re-instate them in service with full back wages and consequential benefits. They have also prayed for a direction to the respondents to grant temporary status to them.

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2. We have heard the learned counsel for the parties and have carefully gone through the records of the case. The counsel for the parties have agreed to this case being & finally disposed of at the stage of admission.

3. The contentions of the applicants are that they were appointed as Casual Labour in 1988 by respondent No.2. They have been working in 375, COY ASC (Supply) C/o 56 A.P.O. Their services were terminated by the Commanding Officer (respondent No.2) in the year 1990. They were re-instated in service in the year 1992/^{and} since then these applicants have been continuously working and they have completed 240 days of service. It is, however, stated that they^{have} worked till 5.5.95, on which date the respondent No.2 terminated their services with effect from 6.5.95 by verbal orders. The grievance of the applicants is that they were wrongfully denied the grant of temporary status with effect from 1.9.93 in terms of a scheme of the Government of India for the grant of temporary status and regularisation of casual ~~workers~~ despite the fact that they have rendered continuous service for 240 days.

4. On the other hand, the respondents have stated that since the applicants had not completed the requisite number of days, they were, therefore, not granted temporary status. It is further stated that the case has been taken up with the higher authorities for regularisation/ granting temporary status to the

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casual labourers in terms of letter dated 15.6.95 at Annexure R/4. The respondents have categorically stated that the services of the applicants were neither terminated nor were they subjected to any hostile discrimination or victimisation and they are still being employed by the unit according to the work load. It transpires from the reply that the applicants are still serving with the respondents. The Commanding Officer vide Annexure R/3 dated 5.7.95, recommended that applicant Arjun Ram alongwith five others may be posted out to units where vacancies are available and given temporary status. It was recommended by him that applicant Swaroop Singh may be regularised alongwith two others in the existing three vacancies of the Unit as per Army Headquarters letter dated 24.8.93. It was further recommended by the Commanding Officer that applicants Lal Bahadur and Mehardeen may be regularised by posting them to other ASC units where vacancies are available. There is another communication at Annexure R/4 dated 15.6.95, which shows that all these applicants have already rendered more than 240 days service and they are entitled to the grant of temporary status and regularisation as per turn against the vacancies available in the various units.

5. In the result, we direct the respondents to grant temporary status to the applicants in terms of the scheme for the grant of temporary status and

regularisation of the casual workers dated 10.9.93 at Annexure A/3. The respondents are also directed to regularise the services of the applicants as per their seniority/turn against the vacancies available ~~in the various units~~ in terms of the scheme for grant of temporary status and regularisation of casual workers dated 10.9.93, keeping in view the communication at Annexure R/4 dated 15.6.95. This exercise shall be carried out within a period of 6 months from the date of receipt of a copy of this order.

6. The O.A. stands disposed of accordingly with no order as to costs.

Usha Sen
(Usha Sen)
Member (A)

Gopal Krishna
(Gopal Krishna.)
Vice Chairman.

V.S./JM

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स.प्र.प्र. (प्रक्रिया) नियमावली के अन्तर्गत निःशुल्क प्रति

CENTRAL ADMINISTRATIVE TRIBUNAL,
JODHPUR BENCH, JODHPUR.

Copy of Order dated 24.5.95 passed in M.A. No. 119/95
in O.A. No. 198/95 Arjun Ram and Ors. Vs. Y.O.I. & Ors.

Date of Order

24.5.95

Mr. Vijay Mehta - Counsel for the applicants.

The M.A. to file the joint petition is allowed.

Sd/-

(RATTAN PRAKASH)

Member (J)

Sd/-

(N.K. VERMA)

Member Adm.



प्रमाणित सही प्रतिलिपि

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अनुभाग अधिकारी (न्यायिक)

केन्द्रीय प्रशासनिक अधिकरण

जोधपुर