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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH: JODHPUR

Date of decision : 16.1.95

OA No. 9/1995

Suresh Chandra & Another

... Applicants.

versus

Union of India & Others

... Respondents.

Mr. Mukesh Vyas, Counsel for the applicants.

CORAM:

Hon'ble Ms. Usha Sen, Administrative Member.

...

BY THE COURT:

I have perused the file and heard oral arguments of the learned counsel for the applicants.

2. The applicants, Suresh Chandra and Raju Java have stated that they have been working as Sawaiwala on daily wage basis with the respondents. The applicant No. 1, Suresh Chandra has been working since February, 1989 and the applicant No. 2, Raju Java has been working since December, 1987. The grievance of the applicants is that despite working on daily wage basis for so many years they have neither been granted regular pay scale nor been regularised on the post of Sawaiwala.

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3. During the course of oral arguments, the learned counsel for the applicants has produced a judgement of this Bench of the C.A.T. in OA 223/92 decided on 3.9.93. The facts of the case in this OA were similar to the present one and a direction was given by this Bench that the applicants should be considered for regularisation as Sawaiwala as per rules subject to availability of vacancies.

4. It is seen that the Government of India, Department of Personnel & Training has since issued an O.M. No. 51016/2/90-Estt.(C) dated 10.9.1993 in which a scheme for grant of temporary status and regularisation of casual workers has been laid down. This Scheme came into force from 1.9.1993. I think no prejudice would cause if a direction is given to the respondents to consider payment of salary of the applicants in accordance with the Scheme laid down in the aforesaid O.M. dated 10.9.1993. Further, regularisation of the applicants in Group 'D' posts may also be considered in accordance with the Scheme laid down in this O.M. The respondents are directed to take a decision in this regard within a period of three months from the date of communication of this order under intimation to the applicants.

5. With these directions, the OA is disposed of at admission stage.



Usha Sen
(Usha Sen)
MEMBER (A)