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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH : JODHPUR

Date of order : 01.10.1999

O.A. No. 185/98

1. Jagga Ram son of Shri Prabhu Ram aged 40 years r/o. village Jhalamand, District Jodhpur.
2. Koja Ram son of Shri Gokul Ram aged 35 years r/o. Jajiwal Kankarala, District Jodhpur.
3. Joga Ram son of Shri Bena Ram aged 30 years r/o. village Jhalamand, District Jodhpur.

All Ex-Mazdoors, POL Depot, Jodhpur.

... Applicants.

v e r s u s

1. Union of India through the Secretary to Govt., Ministry of Defence, New Delhi.
2. Officer Commanding, POL Depot (ASC), Jodhpur.
3. Directorate General of Supply and Tpt. (ST-12), Army Headquarters, Quarter Master General Branch, New Delhi.
4. Chief Engineer, Headquarters Southern Command (ST-1), Pune-1.

... Respondents.

Mr. Vijay Mehta, Counsel for the applicants.

Mr. Vinit Mathur, Counsel for the respondents.

CORAM:

Hon'ble Mr. A.K. Misra, Judicial Member.

Hon'ble Mr. Gopal Singh, Administrative Member.

O R D E R

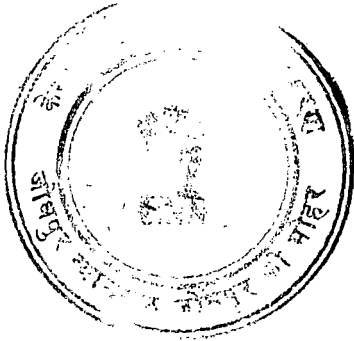
(Per Hon'ble Mr. Gopal Singh)

Applicants, Jagga Ram, Koja Ram and Joga Ram, have filed this application under Section 19 of the Administrative

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Tribunals Act, 1985, praying for setting aside the impugned orders dated 13.7.1998 at Annexures A/1, A/2 and A/3 and for a direction to the respondents to regularise the services of the applicants with retrospective effect with all consequential benefits.

2. Applicants' case is that they are daily rated Mazdoors working with the respondent-department since 1974, 1982 and 1987. Their services were terminated by verbal orders by the respondents on 13.8.93. The applicants had earlier filed an O.A. No. 254/93 which was decided on 12.1.98 with the following observations:-



"In the circumstances, we direct the respondents to consider the cases of the applicants Nos. 1, 2, 3 and 4, namely Jagga Ram, Koja Ram, Joga Ram and Mangilal for regularisation after obtaining the waiver order referred to above from the competent authority within a period of three months from the date of receipt of a copy of this order. The respondents are further directed to consider reengagement of the applicants Nos. 5 and 6, namely Ranjeet Singh and Naval Jeet Singh in accordance with rules as and when necessity arises."

3. Notices were issued to the respondents and they have filed their reply. In their reply, the respondents have asserted that none of the applicants had completed 240 days of working in past two years and moreover, none of them was in service on 10.9.93. It has also been asserted by the respondents that they have approached the competent authority for waiver of the conditions of sponsorship through Employment Exchange. The same was not granted by the competent authority as the applicants were not fulfilling the eligibility conditions for regularisation.

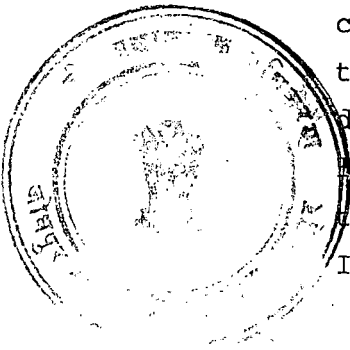
4. We have heard the learned counsel for the parties and perused the records of the cases.

5. In terms of the Department of Personnel & Training's O.Ms dated 7.6.88, dated 8.4.91 and dated 10.9.93, the casual labourers recruited before 7.6.88 and who were in service on the date of issue of these instructions (dated 8.4.91 and 10.9.93) who had rendered one year of continuous service with 240 days or 206 days, as the case may be, on that date would be entitled for grant of temporary status. Though the applicants have stated in

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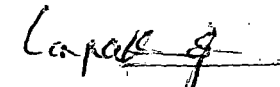
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their applications that they had completed working of 240 days in a year, they have not submitted any documentary evidence to substantiate this aspect. The respondents in earlier O.A. No. 254/93 had submitted statements of days of working of the applicants for the years 1991, 1992 and 1993 vide Annexures R/2, R/3 and R/4 in that O.A. and it is seen therefrom that none of the applicants had served the department for 240 days in a year. As such, in terms of Government of India's instructions, they are not entitled for grant of temporary status and regularisation thereafter. It has now been contended by the applicants that irrespective of the fact that they have not completed 240 days of working in a year, the applicants deserve to be regularised in terms of Government of India's instructions dated 8.4.91, which does not specify the number of days a casual labourer was employed during a year. However, the contention of the applicants is not sustainable in terms of Government of India's instructions/orders mentioned supra.



6. In the light of the above discussions, we do not find any merit in the present application and the same deserves to be dismissed.

7. The O.A. is accordingly dismissed with no order as to costs.


(GOPAL SINGH)
Adm. Member


11/01/99
(A.K. MISRA)
Judl. Member

cvr.