

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR

.....
Date of Order : 10.1.2002.

O.A.NO. 42/2001

1. Umeda Ram S/o Shri Jaluram aged 25 years, R/o Jassai District Barmer.
2. Banshidhar S/o Shri Khakhu Ram aged 23 years, R/o Jassai Tehsil and District Barmer.

Both Ex. Casual Labour, 41 (I), Supply Platoon, Jassai District Barmer.

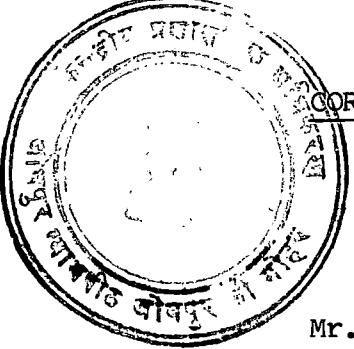
.....Applicants.

versus

1. Union of India through the Secretary to the Government, Ministry of Defence, Raksha Bhawan, New Delhi.
2. Officer Commanding, 41 (I), Supply Platoon, Jassai District Barmer.

.....Respondents.

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CORAM :

Hon'ble Mr. Gopal Singh, Administrative Member

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Mr. Vijay Mehta, Counsel for the applicants.
Mr. S.K. Vyas, Counsel for the respondents.

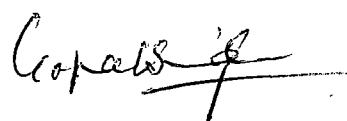
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ORDER

BY THE COURT :

In this application under section 19 of the Administrative Tribunals Act, 1985, applicants have prayed for quashing of their termination verbal order and for a direction to the respondents to continue the applicants in service and they may be reinstated with full back wages and grant temporary status and regularisation.

2. Applicants' case is that they were appointed on the post of Casual Labour on 24.6.1996 after their names were sponsored by the



Employment Exchange. Applicants have been working regularly since then. However, their services have been terminated w.e.f. 1.2.2001. It is the contention of the applicants that they had completed 240 days of service in each year and in the year preceding termination. They had also completed six months continuous service and were eligible for grant of temporary status and regularisation in terms of respondents instructions dated 26.9.1984. It is also pointed out by the applicants that three casual workers whose services were terminated by the respondents, had approached this Tribunal vide O.A.No. 205/1996 decided on 22.12.2000. The said O.A. was allowed by this Tribunal. Hence, this application.

3. The contentions of the applicants have been denied by the respondents in their reply. The learned counsel for the respondents while vehemently opposed the case of the applicants brought to our notice terms and conditions of service of casual industrial and non industrial employees placed at Annex.R/2.

4. I have heard the learned counsel for the parties and gone through the records of the case carefully.

5. In earlier O.A.No. 205/96 decided on 22.12.2000, the respondents were directed to give the benefit of counting sundays and holidays while calculating the number of working days in a year and further that since all the applicants would have completed 240 days of working during the respective years, the respondents were directed to consider the case of the applicants for regularisation on a Group 'D' post under the Government of India Scheme for grant of temporary status and regularisation of casual labours. I am firmly of the view that the case in hand is squarely covered by our order dated 22.12.2000 passed in O.A. NO. 205/1996. Accordingly, I pass the order as under :-

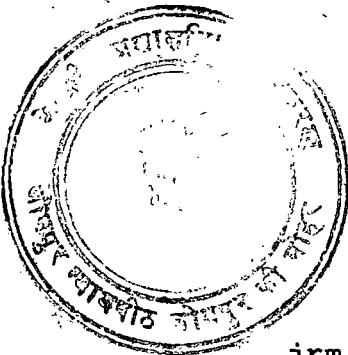
Following the detailed reasons given in our order dated

Loknath S. J.

.3.

22.12.2000 passed in O.A.No. 205/1996, this O.A. is allowed and the respondents are directed to give the benefit of counting sundays and holidays while calculating the number of working days in a year. By giving the benefit of sundays and holidays in calculating the number of days in a year, both the applicants would be completing 240 days in each year and, therefore, they would be eligible for regularisation on a Group 'D' post. Respondents are accordingly directed to consider the case of the applicants for regularisation on a Group 'D' post under the Government of India Scheme for grant of temporary status and regularisation of Casual Labours, within a period of three months from the date of receipt of a copy of this order. No costs.

Gopal Singh
(Gopal Singh)
Administrative Member



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ii and iii destroyed
in presence on 20-6-07
under the supervision of
Section Officer () as per
order dated 14-5-07
Section Officer (Record) *Shah* 18/11

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P. S. M. S. 10/11/07