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**CENTRAL ADMINISTRATIVE TRIBUNAL  
JODHPUR BENCH, JODHPUR.**

**Original Application no. 69/2009  
&  
Misc. Application No. 32/2009**

**Date of decision:** 27.03.09

**Hon'ble Mr. Justice M.Ramachandran Vice Chairman.**

**Hon'ble Dr. Ramesh Chandra Panda, Administrative Member.**

Kismat Ali S/o Shri Thug Ansari by caste Muslim aged about 48 years, resident of CCBF Colony, Suratgarh Tehsil Suratgarh Dist. Sriganga Nagar. Presently working as daily wager casual labour at Suratgarh under Director in charge, Central Cattle Breeding Farm, Suratgarh, Dist. Sri Ganganagar.

: Applicant.

Rep. By Mr. K.S. Yadav : Counsel for the applicant.

**Versus**

1. Union of India through the Secretary., ministry of Agriculture, Department of Animal Husbandry and Dairying, Krishi Bhawan, New Delhi.
2. The Director In charge, Central Cattle Breeding Farm, Department of Animal Husbandry and Dairying. Suratgarh, Distt. Sriganganagar.

: Respondents.

**ORDER**

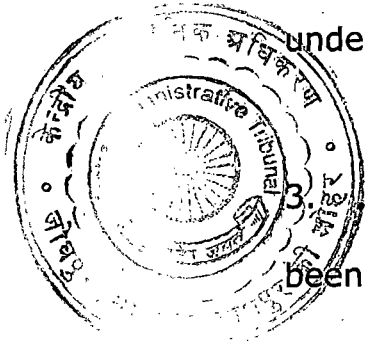
**Per Mr. Justice M. Ramachandran V.C. (J)**

Kismat Ali, the applicant herein is working as Daily Wages Casual Labourer in the Central Cattle Breeding Farm. According to him he has a rightful claim for regularization/grant of temporary status and his pay has to be properly fixed consequent thereof. He submits that the office memorandum dated 30.07.2007 issued by

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the Director, Central Cattle Breeding Farm, which is Annex. A/1 requires to be quashed. By the above said proceedings, the applicant had been informed that his claim had been considered afresh by the competent authority but stands rejected since he seems not to have fulfilled the conditions required by DOPT OM dated 10.09.93 regarding conferment of temporary status/Group D posts.

2. From the facts highlighted, it is possible to conclude that the applicant had been unlucky to some extent viz. that he did not get temporary status. The applicant has filed this application under Sec. 19 of the Administrative Tribunals Act, 1985.



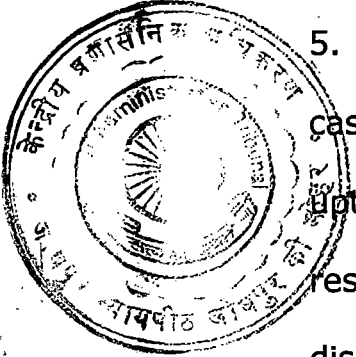
3. An Office Memorandum dated 10.09.93 (Annex. A/2) has been issued by the Ministry of Personnel, Public Grievances and Pensions for granting temporary status to those casual employees who were in employment on the relevant day and who had rendered one year continuous service in the Central Government offices. The said scheme came into force with effect from 01.09.93. The OM was issued as a one time measure. i.e. to provide for conferment of temporary status on casual labour who had rendered one year continuous service and on active service on that day. It is also stated in the said OM that the conferment of temporary status would be without reference to creation of posts. Casual labourers who had acquired temporary status will not however, be brought on the permanent establishment unless they

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are selected through regular selection process for Group D posts. Persons with temporary status are eligible to get the minimum of the pay scale and they are entitled to DA, HRA and CCA and other benefits like leave.

4. However, the case of the applicant could not have been covered because of the nonfulfilment of specific conditions contemplated in the scheme as evident from the materials made available.

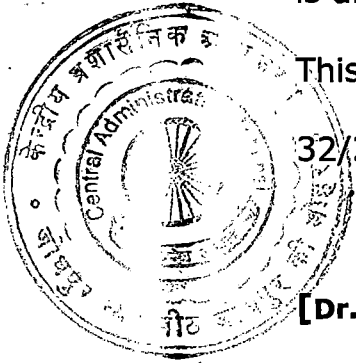


5. It seems that the applicant had been engaged initially as a casual labourer with effect from 02.02.1982 and remained as such upto 14.10.87. But his services were terminated by the respondent no. 2. on 14.10.87. The applicant had raised industrial dispute before the Central Industrial Tribunal Bikaner. However, during the course of pendency of the proceedings an agreement had been reached to reengage the applicant. Consequently the applicant was reinducted on 14.08.1997. It is an admitted fact that he was not engaged between the period 15.10.87 and 13.08.97.

6. Annex. A/1/A dated 22.07.97 is the concerned order which shows that the applicant has accepted the reengagement as a daily wager afresh. It also shows that he had accepted the terms and conditions namely that he will not claim back wages and the like.

7. When Annex. A/1 A had been accepted by the applicant without demur, well after the one time scheme referred earlier came into operation and when he had accepted the conditions mentioned in the letter dated 22.07.97, we are of the view that the applicant cannot rightfully claim the benefits of the scheme. This is because he was not in service as on the date of issuance of OM dated 10.09.93, nor could be deemed as on service. Therefore the claim highlighted is not possible to be entertained under Sec. 19 of the Administrative Tribunals Act, 1985. We find that neither there is any irregularity nor illegality in issuing the OM dated 30.07.2007.

This O.A is therefore dismissed in limine. Consequently M.A. No. 32/2009 is closed in terms of the above order.



  
**[Dr. Ramesh Chandra Panda]**  
**Administrative Member.**

  
**[Justice M. Ramachandran]**  
**Vice Chairman (J)**

Jsv.

Paul Carr  
6.4.09.

Part II and III destroyed  
in my presence on 8/10/10  
under the supervision of  
section officer (J) as per  
order dated 07/07/2015

Section officer (Recare)