

**CENTRAL ADMINISTRATIVE TRIBUNAL : JODHPUR BENCH
AT JODHPUR.**

No. O.A. 84 of 2010

DATE OF ORDER : 13.07.2012

Hon'ble Mr. Sudhir Kumar, Member (A).

Hon'ble Mr. V. Ajay Kumar, Member (J).

BETWEEN :

- 1. Budhu Pahan S/o Shri Robi Pahan,**
Aged 36 years.
Presently residing at Gali No. 4,
Purani Shiv Badi Road,
Bikaner.
- 2. Lal Chand S/o Shri Gulab Chand,**
Aged 40 years.
R/o Vinoba Basti,
Bikaner.
- 3. Rajendra Singh Rathore S/o Shri Narain Singh,**
Aged 38 years.
R/o Gali No. 1,
Shiv Badi Chohraya, Bikaner.
- 4. Arjun Ram S/o Shri Amru Ram,**
Aged 40 years.
R/o Nayon Ka Mohalla,
Bangla Nagar, Bikaner.

... Applicants

All working as Temporary status Mazdoors in the
375 Coy ASC (Supp) Type C, Bikaner.

(By Mr. Vijay Mehta, Counsel.)

A N D

- 1. Union of India**
through Secretary,
Ministry of Defence,
Raksha Bhawan,
New Delhi.
- 2. Commanding Office,**
375 Coy ASC (Supp)
Type C
Bikaner.
- 3. PCDA, South Western Command,**
Defence Department, Jaipur.

V. J. Kumar

4. CDA (Funds),
Defence Department, Meerut Cantt.

... Respondents

(By Mr. Vinit Kumar Mathur, Counsel.)

ORDER

(V. Ajay Kumar, Member (J))

The applicants, who are 4 in number, filed the present O.A. seeking a direction to the Respondents to start forthwith deduction from their salaries towards GPF contribution in accordance with Casual Labourers (Grant of Temporary Status and Regularisation) Scheme of Government of India, 1993.

2. It is submitted that the applicants are working as Casual Labour in the Respondent Ministry of Defence. The Government of India introduced Casual Labourers (Grant of Temporary Status and Regularisation) Scheme, 1993 (hereinafter referred as Scheme of 1993). In pursuance of the said Scheme and as the applicants had fulfilled the requisite conditions under the Scheme, Applicants 1-3 were conferred with temporary status w.e.f. 10.9.1996 and Applicant No. 4 was conferred with the temporary status w.e.f. 10.9.1993.

3. The applicants submit that in pursuance of the Scheme of 1993, more particularly, Clause No. 5(vi) of the said Scheme, once an employee on whom temporary status has been conferred on having rendered 3 years of continuous service, he should be treated on par with Temporary Group-D employees for the purpose of contribution to GPF and would also further be eligible for grant of festival advance and flood advance on the same conditions as are applicable to temporary Group-D employees. It is the applicants' case that though all of them have fulfilled the requirement of the said clause, the Respondents have not

V. Ajay Kumar

started deducting the amounts from their salary as contribution towards GPF and due to the said inaction of the Respondents, the applicants are put to loss and are not able to avail the benefits under the GPF Scheme.

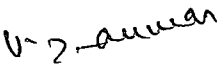
4. The Respondents filed their counter and while admitting the conferment of temporary status on the applicants in pursuance of the Scheme of 1993 as per the dates mentioned above, have stated that contribution towards GPF after enforcement of the new Pension Scheme, is not permissible under any provisions of law. However, they further submitted that the grievance of the applicants and other similarly situated persons, have already been taken up with LAO (A), Bikaner, and the same was forwarded to the 4th Respondent CDA (Funds), Meerut Cantonment. It is also submitted that the LAO(A), Bikaner, has submitted the case further to the 3rd Respondent, PCDA, South-Western Command, Jaipur, vide letter dated 21.11.2008 and clarification on the subject is still awaited.


5. Though the applicants have filed a rejoinder to the reply filed by the Respondents, they have not denied the contention of the Respondents that in view of the enforcement of the new Pension Scheme, contributions towards GPF is not permissible. The Respondents have also not stated anything about the new Pension Scheme, when it came into effect, how it is applicable to the applicants, etc. In the absence of proper pleadings from either side, no positive orders can be passed in this O.A.

6. However, in the circumstances, ends of justice will be met if the respondents are directed to pass appropriate orders on the clarification sought by the unit of the applicants vide their letter dated 3.11.2008 which was forwarded by the LAO (A), Bikaner, to the 3rd Respondent, PCDA, South Western

V-2 answer

Command, Jaipur, vide letter dated 21.11.2008. Ordered accordingly. This exercise be completed by the Respondents within 60 days from the date of receipt of this order. O.A. is disposed of accordingly. No order as to costs.


(V. Ajay Kumar)
Member (J)


(Sudhir Kumar)
Member (A)

is.

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