

**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No. 181/2010

Jodhpur, this the 3rd day of April, 2014

CORAM

Hon'ble Mr. Justice Kailash Chandra Joshi, Member (Judicial)
Hon'ble Ms Meenakshi Hooja, Member (Administrative)

Mala Ram s/o Bhiya Ram, by caste, Nai, aged about 55 years r/o Post-Sudsar, Tehsil Sri Dungargarh, District Bikaner, at present working as Gangman under Section Engineer (P.Way) North Western Railway, Mahajan, Suratgarh Junction, Bikaner Division, Bikaner.

.....Applicant

By Advocate: Mr Mahipal Singh on behalf of Mr. H.K.Jain

Versus

1. Union of India through General Manager, North Western Railway, Jaipur
2. The Divisional Personnel Officer, North Western Railway, Bikaner
3. Assistant Divisional Engineer, North Western Railway, Suratgarh Junction, Bikaner Division, Bikaner.

.....Respondents

By Advocate : Mr Vinay Jain.

ORDER (Oral)

Per Justice K.C. Joshi, Member (J)

By way of the present OA, the applicant has prayed for the following reliefs:-

- (i) That this Hon'ble Tribunal may kindly be pleased to direct the respondents to grant temporary status to the applicant on completion of 120 days i.e. from 28.10.1973, and to pay difference of wages and all consequential benefits arising there from.
- (ii) That the respondents further may kindly be directed to grant yearly increments from the date of grant of

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temporary status and to pay the difference of wages of the period with interest at market rate.

- (iii) That the respondents further may kindly be directed to fix the pay of the applicant accordingly in the regular service from 6.3.86, after giving yearly increments from the date of grant of temporary status, and to pay the differences of wages arising there from till the date with interest.
- (iv) That the respondent may further kindly be directed to give all the consequential benefits to the applicant from the grant of temporary status i.e. 28.10.73, till date with interest.
- (v) That any other direction, or order which this Hon'ble Tribunal deems just and proper under the facts and circumstances of this case may kindly be passed in favour of the applicant.
- (vi) That the costs of this application may be awarded to the applicant.

2. Briefly stated facts of the case, as averred by the applicant, are that the applicant was appointed as Casual Labour on 30.6.1973. It is stated by the applicant that temporary status was not granted to him but on 6.3.1986 he was regularly selected and appointed on the post of Gangman in regular pay scale of Rs. 200-250. Since the respondents have not granted the benefit of pay scale as well as annual increments and leave benefits from the initial date, which were to be granted on attaining temporary status, therefore, the applicant served a notice for demand of justice to the respondents demanding temporary status on completion of 120 days from 30.6.1973 but no relief has been granted to the applicant. Thus, aggrieved with the action of the respondents, the applicant has filed this OA praying for the reliefs as extracted in para-1 above.

3. The respondents by way of reply to the OA submitted that the applicant worked as Casual Labour for the period from 30.6.1973 to 14.7.1973 i.e. 15 days and from 15.7.1973 to 12.8.1973 i.e. 27 days and thereafter he was not engaged continuously in service, therefore, the

applicant worked only for 42 days and thereafter he was not continuous in service, The applicant was granted temporary status on 6.3.1986 on completion of 120 days of continuous service from 6.11.1985 to 5.3.1986 as per rules. The respondents have further submitted that as per the service rules, when the applicant completed 120 days continuous service he was granted temporary status, hence, prior to 6.3.1986, the applicant was not entitled to be granted temporary status, therefore, the action of the respondents is perfectly legal and the applicant is not entitled to any relief.

4. Heard both the parties. Counsel for the applicant contended that the applicant was appointed on 30.6.1973 and he has been regularly working in the respondent department, but in spite of clear cut provisions under the rules, he has not been assigned temporary status as per Rule 2001 of IREM Vol.II. Counsel for the applicant further contended that the respondent department granted him temporary status w.e.f. 6.3.1986 which is illegal and against the provisions of law.

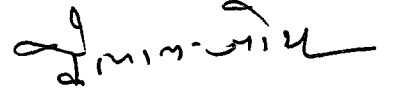
5. Per contra, counsel for the respondents contended that the applicant worked only for 42 days from 30.6.1973 to 12.8.1973 and one cannot be granted temporary status without putting 120 days continuous service. On putting 120 days continuous service from 6.11.1985 to 5.3.1986 he was granted temporary status w.e.f. 6.3.1986.

6. We have considered the rival contentions and also perused the record made available by both the parties. From the documents filed by the applicant himself it is revealed that he worked in the year 1973 only for 42 days and thereafter in the year 1985 he worked for 131 days in different spells and there is no other document to support the claim of the applicant.

The documents submitted by the applicant themselves show that he has only continuously worked for 120 days in the year 1985 and 1986, therefore, no claim is made out for grant of temporary status from the year 1973. Accordingly, the OA is dismissed with no order as to costs.



(MEENAKSHI HOOJA)
Administrative Member



(JUSTICE K.C. JOSHI)
Judicial Member

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