

Central Administrative Tribunal Lucknow Bench Lucknow**Original Application No. 480/2009****This, 9th the of October, 2013****Hon'ble Mr. Navneet Kumar, Member(J)**

Kaushal Kumar aged about 39 years, S/o Late Shri Chhotey Lal, resident of Village-Kheriya (Chaugawan), Post Office Mahona, Lucknow.

Applicant**By Advocate Sri Praveen Kumar.****Versus**

1. Union of India through the Registrar General of India, New Delhi.
2. The Director of Census Operation, UP Lekhraj Market, Lucknow.
3. The Deputy Director of Census Operation UP Lekhraj Market, Lucknow.

Respondents**By Advocate Sri Jitendra for Sri K. K. Shukla.****(Reserved on 3.10.13)****Order****By Hon'ble Shri Navneet Kumar, Member (J)**

The present O.A. is preferred by the applicant under

Section 19 of the AT Act, 1985 with the following reliefs:-

"1. To quash the order dated 29.10.2009, contained as Annexure No. A-1 to this O.A. with all consequential benefits.

2. To grant arrears of pay and other benefits etc to the applicant as a consequence of implementation of the order dated 05.05.2009 in respect of the father of the applicant while extending the benefits of the said order dated 05.05.2009 to the applicant's father.


3. Any other relief, which this Hon'ble Tribunal may deem fit, just and proper under the circumstances of the case, may also be passed.

4. Cost of the present case."

2. The brief facts of the case are that the applicant is the son of ex-employee. The ex employee was posted on the post of Chowkidar. By means of an order dated 28.01.1992, the applicant's father along with others granted regular pay scale attached to the post of Chowkidar along with dearness allowances etc.



Subsequently, vide order 1.2.1994, the applicant's father along with others were discontinued by the authority and feeling aggrieved by the said order, the applicant preferred O.A. No. 582/1992 before this Tribunal. During the pendency of the said O.A., the applicant's father expired on 03.06.1999 and subsequently, the respondents vide order dated 04.08.2000 granted the benefits and accordingly the applicant's father also benefited and was granted a sum of Rs. 17000/- as arrears of pay etc. Some of the persons not satisfied preferred a Writ Petition No. 14 of 2001 before the Hon'ble High Court and the Hon'ble High Court decided the aforesaid Writ Petition on 10.09.2008 and in pursuance of the said order, the respondents have issued another order dated 05.05.2009 whereby, the benefits to all the casual labours with temporary status w.e.f.1.9.1993 was given. The learned counsel for the applicant submits that since the applicant is also similarly situated persons like the persons benefited vide order dated 05.05.2009, therefore, the applicant's father should have been granted the benefits automatically as he was also on the roll on that particular date. The respondents not granted benefit, the applicant preferred not only one but number of representations to the authorities for kind consideration. The respondents considered the request of the applicant and passed an order dated 29.10.2009 whereby, the respondents have provided that the benefit of the order would be given to those persons who are given the temporary status vide order dated 4.8.2000 and since the applicant's father was not granted temporary status as such, he cannot be given temporary




status w.e.f. 1.9.93. The applicant feeling aggrieved by the said order preferred the O.A.

3. The learned counsel appearing on behalf of the respondents has filed the reply and through reply, it was pointed out by the respondents that the applicant's father was only a casual worker and was working on daily wage basis and never given regular appointment till his death as such the applicant is not entitled for any claim because his father was not holding any civil post under the union. Apart from this, it is also pointed out by the learned counsel for the respondents that the applicant was engaged as casual labour from time to time as per the availability of work and contingency budgetary sanction and was paid through master roll for the period actually worked till the date of his death. Not only this, it is also pointed out by the learned counsel for the respondents that as per the order dated 05.05.2009, 54 casual workers of this directorate were granted temporary status under the scheme w.e.f. 1.9.1993 instead of 4.8.2000 and since the applicant's father was working on daily wages basis and expired in the year 1999 and the benefit was granted only to those casual workers who are granted temporary status by the order dated 4.8.2000.

4. The learned counsel for the respondents has also filed the supplementary counter reply and through supplementary counter reply no new facts were brought on record. Only it was reiteration of the earlier counter reply filed by the respondents.

5. The learned counsel appearing on behalf of the applicant has filed the rejoinder and through rejoinder mostly the averments made in the O.A. are reiterated. Apart



from this, it is also pointed out by the learned counsel for the applicant that the applicant's father was paid a sum of Rs.17,000/- as arrears of pay as a result of order dated 04.08.2000 and when the order dated 05.05.2009 was passed, the respondents granted the benefit.

6. Heard the learned counsel for the parties and perused the record.

7. Admittedly, the father of the applicant was appointed on the post of Chowkidar and was working with respondent organization. The applicant's father expired on 03.06.1999 and in terms of order passed by the Tribunal in O.A. No. 582/1992, the respondents issued an order dated 04.08.2000 and in pursuance of the said order, the applicant was paid a sum of Rs. 17,000/- as arrears of pay. The Writ Petition No. 14(SB) 2001 and 711(SB)2001, the Hon'ble High Court has considered the case of the petitioners and directed the respondents and to consider their case for absorption/regularization strictly in accordance with the scheme dated 10.09.1993 expeditiously. In pursuance of the said order, the respondents have passed an order dated 05.05.2009 wherein, the respondents in supersession of earlier order dated 4.8.2000 considered the case and granted temporary status under the Scheme of Casual Labourer(Grant of temporary status and regularization) Scheme 1993 w.e.f 01.09.1993. The bare perusal of the impugned order clearly shows that since the applicant was not given the temporary status vide order dated 04.08.2000, as he was not alive as on date as such, he was not given the benefit of order dated 5.5.2009. The learned counsel for the applicant also fail to demonstrate that the applicant was given the temporary status in pursuance of



order dated 04.08.2000 although he was given the arrears of pay.

7. Since the learned counsel for the applicant fail to make out his case for interference by the Tribunal, as such, the O.A. is fit to be dismissed.

8. Accordingly, the O.A. is dismissed. No order as to costs.

U.R. Agarwal
(Navneet Kumar)
Member (J)

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