

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH**

M.P.No.1060/2005

In

Diary No.1340/2005

This the 19th day of December 2007

HON'BLE MR. M. KANTHAIAH, MEMBER JUDICIAL.

1. Km. Paromila Dass Ghosh aged about 25 years, D/o Pancham Das Ghosh, R/ o563/10, Chitragupt Nagar, Lucknow.
2. Viond Kumar S/o Shripat R/o E-35, Badshah Nagar Railway Colony, Lucknow.
3. Rajesh Kumar Alias Pintoo S/o Shripat R/o E-35 Badshah Nagar Railway Colony Lucknow.
4. Manoj Kumar S/o Ram Chandra, R/o 83 Ram Das Ka Hata Sadar Bazar, Lucknow.

...Applicant.

By Advocate: Shri M.A. Siddiqui.

Versus.

1. Union of India through General Manager, N.E. Railway, Gorakhpur.
2. The Chief Medical Director, N.E. Railway, Gorakhpur.
3. The D.R.M., N.E., Railway, Ashok Marg, Lucknow.
4. The Chief Medical Superintendent, N.E. Railway Badshah Nagar, Lucknow.

By Advocate: Shri Deepak Shukla for Shri P. Kumar.

ORDER

BY HON'BLE MR. M. KANTHAIAH, MEMBER JUDICIAL.

The applicants no. 1 to 4 have filed this OA to issue direction to the respondents to grant temporary status and time scale of pay to the applicants on the ground that they have worked more than 5

years on the post of Field Action Group (FAG). They have filed the said OA by moving joint application.

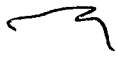
2. The respondents have opposed the claim of the applicant stating they were neither engaged as casual laborers nor they performed any duties of such casual laborers for the respondents. They stated that the applicants were worked as FAG in carrying of Pulse Polio Programme voluntarily which has conducted 3 to 4 times in a year all over India and it is a State Sponsored Programme.

3. Heard both sides.

4. The point for consideration is whether the applicant is entitled for the relief as prayed for.

5. It is the case of the applicants that they worked FAG volunteers for about 5 years and inspite of making their representation, the respondents authorities have not considered for conferring temporary status and also for regularization of their services. The respondents totally denied the contention of the applicants stating they never worked under the respondents as casual laborers to recognize their services for any appointment on temporary status. It is also their case that the applicants were engaged as Volunteers by the Volunteers Organization for conducting Pulse Polio Programme for which they have no concern.

6. The applicants have not filed any document to show that they were engaged by the respondent authorities as casual laborers and also paid any wages from the department. It is undisputed fact that the applicants worked as Volunteers in the Pulse Polio Programme conducted by the State. In such circumstances, the respondent authorities treating them as their workers and also conferring any



temporary status does not arise. The decision rendered by this Tribunal in O.A.No.160/2005 between Smt. Kaisar Jahan Vs. Union of India & Others dated 15.07.2005 also clearly shows that the applicants who worked as FAG (Volunteers) in the Family Welfare Scheme are not entitled for any such relief as claimed by the applicants. Similarly, the decision relied in O.A.No.326/2007 dated 3.8.2007 between Mahendra Kumar Singh Vs. Union of Indian & Others on the file of this Tribunal also shows that FAG (Volunteers) have no such right to claim for grant of temporary status and also applying time scale of pay as prayed by them.

7. In view of the above circumstances there are no merits in the claim of the applicants and as such the same is liable for rejection.

In the result, the M.P.No.1060/2005 is dismissed at admission stage. No costs.

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(M. KANTHAIAH)
MEMBER (J)

19.12.07