

CENTRAL ADMINISTRATIVE TRIBUNAL
PATNA BENCH, PATNA.

Original Application No. 104 of 1996

Bhola and others vs. Union of India and others.

For the applicant : Shri A.N. Jha.

For the respondents: Shri S. Singh.

C O R A M

Hon'ble Shri L.R.K. Prasad, Member (A)

Hon'ble Smt. Shyama Dogra, Member (J)

46./ 19.04.2002.

O R D E R (Dictated in open court)

By L.R.K. Prasad, M(A):- Heard learned counsel for the parties.

2. The applicants (seven in number) were engaged as casual labours under the PWI under Eastern Railway, Buxar. The details about their working period is explained in para 4.2 of the AOA. (Annexure A/1). It is the stand of the applicants that as they fulfil all the requisite criteria , they should be given opportunity for consideration in screening test for regular appointment in Class IV post. The further prayer of the applicants is that the respondents be directed to engage them ^{any} on/class IV initial service whenever required. The learned counsel for the applicant has drawn our attention to the relevant circulars dated 27th June, 1978 (Annexure A/8) relating to screening of casual labours/substitutes against regular vacancies. According to the applicants, their cases are covered by this particular circular.


3. While opposing the above application, the respondents have stated that the applicants never worked as casual labours for more than 120 days at a time continuously. They, however, worked in different phases


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and not in one stretch for 120 days. The applicants had not been granted temporary status on the grounds that they never worked continuously for 120 days in one stretch. ~~Only those~~ workers were entertained and absorbed in service, who have have been granted temporary status. It is the further stand of the respondents that the applicant did not fulfil requisite criteria either for grant of temporary status or for being called in screening test for absorption in Group IV post.

4. We have considered the matter in the light of the submissions made on behalf of the parties and the materials on record. We dispose of this OA with direction upon the respondents to consider the cases of the applicants in the light of the letter dated 27th June, 1978 as at Annexure A/8 & and other relevant rules on the subject (after due verification of the factual status of the applicants) and thereafter to pass appropriate reasoned order in the matter in accordance with law within a period of three months from the date of communication of this order. No order as to costs.

/CBS/


(SHYAM BAGR A) /M(J)


(L.R.K. PRASAD) /M(A)