

28

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A. 71/92.

Dt. of Decision : 27.1.95.

1. B.Appalaraju
2. S.Simhachalam
3. M.A.Setty
4. Ansari/vali
5. K.Suttiyya
6. A.Baburao

... Applicants.

Vs

1. The Flag Officer, Command-in-Chief,
Eastern Naval Command, Naval Base P.O.
Visakhapatnam-14.
2. Base Victualling Officer,
Base Victualling Yard, N.A.D.(PO)
Visakhapatnam-9.

.. Respondents.

Counsel for the Applicants : Mr. N.Rama Mohan Rao

Counsel for the Respondents : Mr. N.R.Devaraj, Sr. CGSC.

CORAM :

THE HON'BLE SHRI A.V. HARIDASAN : MEMBER (JUDL.)

THE HON'BLE SHRI A.B. GORTHY : MEMBER (ADMN.)

39

O.A. 71/92

Dt. of Decision : 27.1.95.

ORDER

¶ As per Hon'ble Shri A.B. Gorthi, Member (Admn.) ¶

The applicants state that they were initially engaged as Casual Workers under the respondents during the period 1988-89. But their services were dis-engaged some time in 1991. Although they had worked continuously for more than 240 days in a year, they were not given the benefit of grant of temporary status.

2. When the OA came up for admission an interim direction was given to the respondents to reengage the applicants if there was work. We are now informed, consequently, the applicants continued to be engaged as casual labourers and they are working as such even as on today.

3. The plea put forward by the learned counsel for the applicant is, that the applicants would be entitled to the benefits envisaged in "Department of Personnel & Training, Casual Labourers (Grant of Temporary Status and Regularisation) Scheme which came into effect on 1.9.1993. This scheme is applicable to casual labourers in employment of Ministries/ Department of Govt. of India, other than Railways, Telecom and Posts. As per the said scheme casual labourers who have rendered continuous service of atleast one year which means, that they must have been engaged for a period of atleast 240 days (206 days in the case of offices observing 5 days week) would be entitled to grant of temporary status.

Our attention has also been invited to the Govt. of India, Ministry of Pers., P.G. and Pensions, O.M. dated 10th September 1993 which is to the effect that although the guidelines contained in the earlier O.M. dated 7.6.1988 continue to be applicable, the question of grant of temporary status and

8

40

regularisation of casual workers would be examined in terms of the scheme that has been introduced on 1.9.1993.

4. Shri NR.Devaraj, learned counsel for the respondents states that as the applicants are continuing in service their cases would be considered in accordance with the scheme.


5. In view of the above, this DA is disposed of with the following directions to the respondents:


1) The applicants shall continue to be engaged as casual workers so long as there is work and if their retrenchment becomes inescapable, it shall be on the principles of last come first go.

2) The case of the applicants for grant of temporary status and their subsequent regularisation shall be considered in accordance with the scheme of 1993(supra).

3) The question of grant of temporary status ~~and~~ ~~regularisation~~ will be considered by the respondents without any delay and within a period of three months from the date of communication of this order.

6. DA is ordered accordingly. No order as to costs.


(A.B. GORTHI)
MEMBER (ADMN.)


(A.V. HARIDASAN)
MEMBER (JUDL.)

Dated : The 27th January 1995.
(Dictated in Open Court)


DEPUTY REGISTRAR(J)

- To
1. The Flag Officer, Command in Chief, Eastern Naval Command, Naval Base P.O., Visakhapatnam.
 2. Base Victualling Officer, Base Victualling Yard, N.A.D.(P.O) Visakhapatnam-9.
 3. One copy to Mr.N.Ram Mohan Rao, Advocate, CAT, Hyderabad.
 4. One copy to Mr.N.R.Devraj, Sr.CGSC, CAT, Hyderabad.
 5. One copy to Library, CAT, Hyderabad.
 6. One spare copy.

YLKR

TYPED BY
CHECKED BY

COMPARED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

THE HON'BLE MR.A.V.HARIDASAN : MEMBER(J)

AND

THE HON'BLE MR.A.B.GORTHY : MEMBER(A)

DATED : 27.1.95

ORDER/JUDGEMENT.

M.A/R.P/C.P.No.

in
O.A.No. 71/92

Admitted and Interim directions
issued

Allowed

U
Disposed of with Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default.

Rejected/Ordered ✓

No order as to costs.

no spare copy

YLKR

⑥

