

THE CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR
ORDER SHEET

(R APPLICATION NO.: 12/05 in OA 523/99)

Applicant(s)

Respondent (s)

Advocate for Applicant (s)

Advocate for Respondent (s)

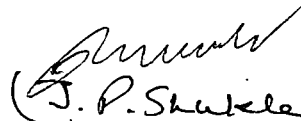
NOTES OF THE REGISTRY


ORDERS OF THE TRIBUNAL

15-3-07

Mr. R. K. Sharma counsel for applicants
Mr. Tej Prakash Sharma counsel for respondents

Heard. The RA has been
disposed of by a separate order.


(J. P. Shukla)
Administrative Member


(Kuldip Singh)
Vice Chairman

CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH

RA No.18/2005 in OA No.523/1999.

Jaipur, this the 15th day of March, 2007.

CORAM : Hon'ble Mr. Kuldip Singh, Vice Chairman.
Hon'ble Mr. J. P. Shukla, Administrative Member.

Bansi Dhar Gujar
S/o Shri Pokhar Lal
Aged about 29 years,
R/o Dhani Naya Bass, Panchayat Achrol,
District Jaipur.

... Applicant

By Advocate : Shri R. K. Sharma.

Vs.

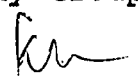
1. Union of India through
Secretary, Ministry of Mines,
Government of India,
New Delhi.
2. The Director General,
Geological survey of India,
27, JLN Road,
Calcutta.
3. The Deputy Director General,
Geological Survey of India,
Jhalana Doongri Office Complex,
Jaipur.

... Respondents.

By Advocate : Shri Tej Prakash Sharma.

: O R D E R (ORAL) :

The applicant has filed the OA under Section 19 of the Administrative Tribunals Act, 1985 wherein he had prayed for a direction to the respondents to reinstate him in service with all consequential benefits quashing and setting aside order dated 13.9.1999 and also grant him semi permanent status on the post of Beldar/any Group



'D' post since 1990-91. The said OA was dismissed vide order dated 2.7.2002. Against the said order the applicant preferred a writ petition before the Hon'ble High Court of Rajasthan in which the Hon'ble High Court held as under :-

" The Writ Petition is accordingly dismissed. At this stage, counsel prays that the petitioner be given liberty to move an application for review of the order of the CAT on the ground of availability of the scheme. The petitioner may do so if permissible under the law."

Immediately thereafter, the applicant had filed the present RA. By filing RA, the applicant also annexed with RA an OM dated 10.09.1993 issued by the Government of India, Ministry of Personnel, Public Grievances and Pensions, Department of Personnel and Training on the subject of grant of temporary status and regularization of casual workers formulation of a scheme in pursuance of the CAT, Principal Bench, New Delhi judgment dated 16th February, 1990 in the case of Shri Raj Kamal and others vs. Union of India. By this OM the DOP&T dealing with grant of temporary status has mentioned as follows :-


for "Temporary status would be conferred on all casual labourers who are in employment on the date of issue of this O. M. and who have rendered a continuous service of at least one year which means that they must have been engaged for a period of at least 240 days (206 days in the case of offices observing 5 days week)" (emphasis supplied). be

2. A bare perusal of this provision shows that any employee who was working on the date of issue of this scheme is to be conferred with temporary status if he had

for

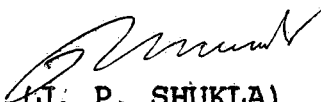
rendered a continuous service of at least one year which means that the person should have been engaged at least for a period of 240 days. Further perusal of Clause 4 pertaining to conferment of temporary status emphasis that a person who on the date of issue of scheme is in employment is eligible for grant of temporary status. In order to show that the applicant was in employment, learned counsel for the applicant has referred to documents such as Annexure A/1 to A/3 in the OA and tried to convince that on the date of issue of the scheme the applicant was in employment of the respondents.

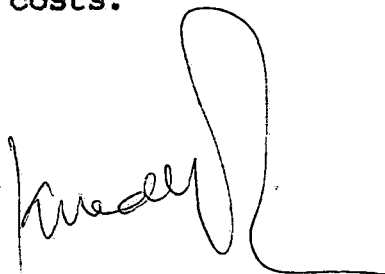
3. We have gone through the certificates which are Annexure A/1 to A/3 issued by various officers to show that the applicant was employed on casual basis by the Department. Annexure A/1 was issued sometimes in the year 1994 in which it was certified that the applicant was an unskilled labourer on daily wages from January 1991 to April 1991. So it does not cover the date of 10.09.1993 when the policy was issued. The second certificate Annexure A/2 does not specify the dates as to on what date the applicant was working. However, the certificate is issued on 19.08.1993. That also shows that the authority who have issued the certificate must have certified some act of the applicant in the past which had happened there and where it has been mentioned that the applicant worked only for about four and half months. No specific date was mentioned in the



certificate itself. Next certificate is Annexure A/3 which also shows that the applicant has worked from 24.12.1993 to 28.03.1994 and 04.04.1994 to 09.05.1994. All these certificates are at least clear to the extent that as on 10.09.1993 ^{when the O.M. was issued} the applicant was not in service. Similarly there is another certificate Annexure A/4 which shows that the applicant had worked somewhere from 19.11.1994 to 7.2.1995 and 14.2.1995 to 9.5.1995. It also does not certify as the applicant was working on 10.09.1993 with the respondents. Since it is one of the essential condition that temporary status can be conferred on a person who was in employment on the date of issue of the OM and who has rendered a continuous service of at least one year prior to the date of conferment of temporary status.

4. On both these counts, the applicant is unable to establish anything. So we find the RA has no merits and is accordingly dismissed with no order as to costs.


(J. P. SHUKLA)
ADMINISTRATIVE MEMBER


(KULDIP SINGH)
VICE CHAIRMAN

P.C./