

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

O.A.No.200/2000

Date of order: 18/11/2002

Rambabu Saini, S/o Sh.Lala Ram Saini, R/o Budha
Darwaja, Deeg, Distt.Bharatpur.

...Applicant.

Vs.

1. Union of India through Secretary, Deptt.of
Archaeological Mini.of Human & Resources, New Delhi.
2. Superintendent Archaeological, 70/104, Patel Marg,
Mansarovar, Jaipur.
3. Sub-Circle Officer, Archaeological Department of
India, Deeg, Bharatpur.

...Respondents.

Mr.C.B.Sharma : Counsel for applicant

Mr.S.M,Khan & S.S.Hasan : Counsel for respondents.

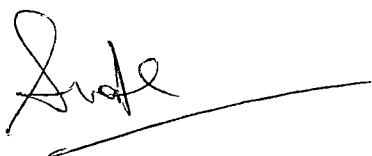
CORAM:

Hon'ble Mr.S.K.Agarwal, Judicial Member.

PER HON'BLE MR S.K.AGARWAL, JUDICIAL MEMBER.

In this O.A filed under Sec.19 of the ATs Act, 1985,
the applicant makes a prayer to quash and set aside the
verbal termination of the services of the applicant w.e.f.
31.8.99 and to direct the respondents to confer him
temporary status w.e.f. 29.4.99 with all consequential
benefits.

2. The case of the applicant in brief is that the
applicant was initially engaged as casual labour/Beldar on
daily wage basis in the month of March 1998 and continued
upto August 1999. Thus the applicant completed 240 days of
service during this period. It is stated that the applicant
is entitled for temporary status w.e.f. 29.4.99 as per the
scheme dated 10.9.93 issued by the Deptt. of Personnel &



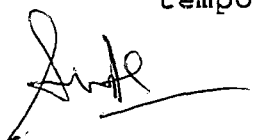
Training, New Delhi but the respondents have denied the applicant for confirmment of temporary status and disengaged him. Therefore, the applicant has filed this O.A for the relief as above.

3. Reply was filed. In the reply it has been stated that the applicant did not complete 240 days in any calendar year and he was not engaged/appointed against any sanctioned /regular post. It is stated that the applicant was engaged as casual labour/beldar on daily wage basis and he worked in the year 1998 for 188 days and in the year 1999 he worked only 24 days. It is also stated that the applicant left the department on his own without any intimation, therefore, the applicant is not entitled to any relief sought for. It is stated that as per OM dated 10.9.93, the applicant was neither in employment on the date of issue of such scheme nor he rendered continuous service in at least one year as such the applicant is not entitled to be granted temporary status as claimed by him under the aforesaid scheme. Therefore, the applicant has no case.

4. Heard the learned counsel for the parties and also perused the whole record.

5. The counsel for the applicant vehemently urged that the case of the applicant is squarely covered by the order at Annx.A3 passed by this Tribunal in O.A No.39/99 decided on 28.1.2000 and in view of the decision as referred above, the applicant is also entitled to the relief sought for.

6. On a perusal of the order as referred above, the instant case of the applicant is distinguishable. Applicant in O.A No.39/99, was engaged in January 91 and the department has denied him the benefit of conferring temporary status on the ground that the applicant did not



complete the service of 240 days in any year. This Tribunal gave direction to the department to consider the case of the applicant for confirmation of temporary status ignoring the technical/artificial breaks. But in the instant case, the applicant was not in service with the respondents' department on the date of implementation of the scheme i.e. on 10.9.93 and the applicant has not completed the service of 240 days in any calendar year, therefore, the case of the applicant is not covered by the order passed by this Tribunal in O.A No.39/99 decided on 28.1.2000.

7. As the applicant was not in service on the date of implementation of the scheme dated 10.9.93 and the applicant did not complete the services of 240 days in any of the calendar year, therefore, in my considered view, the applicant has no case for conferring temporary status and regularisation and this O.A devoid of any merit is liable to be dismissed.

8. I, therefore, dismiss this O.A having no merits with no order as to costs.


(S.K. Agarwal)

Member (J).