

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 249 of 2002

Jabalpur, this the 28th day of July, 2004

Hon'ble Shri M.P. Singh, Vice Chairman
Hon'ble Shri Madan Mohan, Judicial Member

1. Ganesh Prasad, S/o. Radheshyam,
Thakur, R/o. Jatashankar Road,
Pachmarhi, Distt - Hoshangabad (MP).
2. Deleted.
3. Ramesh Kumar, S/o. Dhannu, r/o.
Near Tol Tax Naka, Pachmarhi,
Distt - Hoshangabad (MP).
4. Dhanraj, S/o. Fulla Karare, R/o.
Near Tol Tax Naka, Pachmarhi,
Distt - Hoshangabad (MP). ... Applicants

(By Advocate - Shri M.N. Banerjee)

V e r s u s

1. Union of India, through its
Secretary, Ministry of Defence,
New Delhi.
2. Principal Director, Central Command,
Lucknow Cantt, Lucknow (UP).
3. Cantonment Executive Officer,
Cantonment Board, Pachmarhi,
Distt - Hoshangabad (MP). ... Respondents

(By Advocate - Shri S.A. Dharmadhikari)

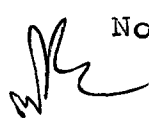
O R D E R (Oral)

By M.P. Singh, Vice Chairman -

By filing this Original Application the applicant
has claimed the following main reliefs :

- "a. command the respondents to take
applicants back on duty/employment and consider their
cases for regularisation,
- b. to pay all back wages and other
consequential benefits."

2. The brief facts of the case are that the applicants
Nos. 1, 3 and 4 worked as Daily Wagers with the Cantonment



Board, Pachmarhi for the period ranging from 4 to 9 years. However, the actual date of working are not available with the applicants as they have not maintained any records and neither any statement to that effect has been supplied by the respondents to the applicants. The respondents in their reply have admitted that the applicants worked for 240 days in a year but in the absence of any sanctioned posts and non-availability of work, their services were dispensed with. They have denied the fact that the applicants have continuously worked for more than 7 years. They have also stated that the scheme framed by the Department of Personnel & Training for grant of temporary status and regularisation of the services of the casual labourers working in the various Departments is only a one time scheme and not an on-going scheme. Therefore, the applicants cannot take the benefit of this scheme. The respondents have also stated that the case of the applicants cannot be considered for regularisation since they were engaged purely on daily wages and there being no sanctioned post their services were dispensed with.

3. Heard both the parties and perused the records carefully.

4. The learned counsel for the applicants stated that he will feel satisfied if a direction is given to the respondents to consider their representation which is still pending with them.

5. Thus, in view of the aforesaid, we direct the respondent No. 3 to consider the representation submitted by the applicants dated 8.11.2001 (Annexure A-4) and also treat this OA as a part of the representation and take a decision by passing a speaking, detailed and reasoned order within a period of three months from the date of receipt of copy of this order.



6. Accordingly, the Original Application stands disposed of. No costs.

(Madan Mohan)
Judicial Member

(M.P. Singh)
Vice Chairman

"SA"

पृष्ठंकन से ओ/न्या.....जबलपुर, दि.....
पत्तिलिपि अर्पित:-

- (1) सचिव, उच्च न्यायालय बार एसोसिएशन, जबलपुर
- (2) आवेदक श्री/श्रीमती/कु.....के काउंसल M N Banerjee
- (3) प्रत्यर्थी श्री/श्रीमती/कु.....के काउंसल SA Dharmadharan
- (4) बंशपाल, के.प्र.अ., जबलपुर न्यायपीठ
सूचना एवं आवश्यक कार्यवाही हेतु 10-8-04
उप-रजिस्ट्रार

Issued
On 10-8-04
BF