

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 195 of 2000

Jabalpur, this the 23rd day of January, 2004.

Hon'ble Mr. M.P. Singh, Vice Chairman  
Hon'ble Mr. G. Shanthappa, Judicial Member

1. Prakash Kumar Yadav  
S/o Shri Todal Singh Yadav  
R/o Dixitpura 440 Uprainganj  
Jabalpur(M.P.)
2. Raghvendra Pathak  
S/o Shri Munnalal Pathak  
R/o 286, Manjupath Uprainganj  
Dixitpura, Jabalpur.
3. Ajay Pateria  
S/o Gyanchand Pateria  
Manjupath 284, Uprainganj  
Dixitpura, Jabalpur

APPLICANT

(By Advocate - Shri M.N. Banerjee)

VERSUS

1. Union of India  
Through the Secretary  
Ministry of Finance  
Government of India  
New Delhi.
2. The Commissioner of Income Tax  
Napier Town, Jabalpur.

RESPONDENTS

(By Advocate - Shri B.da.Silva)

O R D E R (ORAL)

By M.P. Singh, Vice Chairman :-

are

By filing this OA the applicants/seeking following reliefs:-

- (i) the illegal action of Oral dismissal of applicants from employment be kindly declared to be bad in-law and respondents be kindly commanded to re-instate the applicants to employment.
- (ii) that thereafter respondents be kindly commanded to regularise applicants.

2. The admitted facts of this case are that the applicants were engaged as casual labour on fixed rate. The details of their engagement are as follows :-

	<u>Name</u>	<u>w.e.f.</u>
(a)	Ajay Pateria	21.4.1997
(b)	Prakash Yadav	21.4.1997
(c)	Raghvendra Pathak	21.4.1997

According to the applicants, they have done work more than 260 day in a year. Therefore, they are entitled for grant of temporary status under the DOPT scheme dated 10.9.93, since they have not been given temporary status and their services have been terminated by oral order. Aggrieved by this, they have approached this Tribunal claiming the aforesaid relief.

3. The respondents have filed their reply stating that the applicant were engaged for different type of works such as work of Waterman, shifting of files etc. The respondents have also stated that they were engaged on daily wages at the Collector's rates on contingency on verbal instructions. They were engaged on contract basis for specific work and were not engaged on holidays, nor any payment was made to them for the holidays. When the respondents considered that there was no necessity of engaging these labourers, they were not engaged any further. According to the respondents these applicants cannot be considered for regularisation as their service was not required any longer. Therefore, they cannot be granted regularisation.

4. Heard the learned counsel for the parties and perused the records.

5. The learned counsel for the applicant has submitted that since the applicants have completed more than 240 days in a year, they are entitled for grant of temporary status and consequential benefits under the scheme of the DOPT dated 10.9.1993. On the other hand, the learned counsel for the respondents has stated that the DOPT scheme dated 10.9.1993 is not applicable to the applicants, as it was only issued as a one time measure and is not <sup>an</sup> going on scheme. In support of his contention, he has relied on the judgment of Hon'ble Supreme Court in the case of Union of India Vs. Mohan Pal, (2002) 4 SCC 573.

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6. We have carefully considered the rival contentions and we find that the applicants were engaged as casual labourers as and when there was work with the respondents. The applicants were engaged from 21.4.1997 onwards. It is now well settled legal position that the DOPT's scheme of 1993 was only as a one time measure and is not an on-going scheme. We, therefore, cannot issue a direction to the respondents to re-engage the applicants.

7. We may however direct the respondents to re-engage these applicants as and when work of similar nature is available in preference to fresher. With this observation the DA is disposed of. No costs.

  
(G. Shanthappa)  
Judicial Member

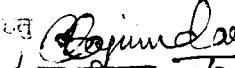
  
(M.P. Singh)  
Vice Chairman

पूठांकन सं ओ/न्या.....जबलपुर, दि.....

प्रतिनिधि कार्यो निम्न:-

- (1) सचिव, नगर मजदूरों का कर्मचारी संघ, जबलपुर
- (2) नगर मजदूरों की संस्था, जबलपुर के काउंसल MN Banger
- (3) प्रखरी मजदूरों की संस्था, जबलपुर के काउंसल B. das/ver
- (4) नगर मजदूरों की संस्था, जबलपुर नगर मजदूरों के काउंसल एवं आवश्यक कार्यवाही हेतु

SKM

  
उप सचिव 11/2/04

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11/2/04