

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR
Original Application No. 791 of 1998

Jabalpur, this the 30th day of June 2003.

Hon'ble Mr. D.C. Verma, Vice Chairman (Judicial)
Hon'ble Mr. Anand Kumar Bhatt, Administrative Member

Ashik Khan
S/o Shri Mohsin Khan
Driver (Casual)
Office of the Executive Engineer
Bank Note Press, C.P.W.D.
Dewas.

APPLICANT

(By Advocate - Shri M.N. Banerjee)

1. Union of India
Through the Director General
of Works,
Nirman Bhawan,
New Delhi.
2. Chief Engineer, C.P.W.D.
E-3/4-B, Arera Colony,
Bhopal.
3. Supdt. Engineer
C.P.W.D., New C.C.O. Building,
Residency Area,
Indore.
4. Executive Engineer
Bank Press Note, C.P.W.D.,
Dewas.

RESPONDENTS

(By Advocate - Shri B.da.Silva)

O R D E R (ORAL)

By D.C. Verma, Vice Chairman (Judicial) -

The claim of the applicant is that he was engaged as Driver on casual basis on 01.11.1991 at Ujjain on fixed emoluments of Rs. 1,500/- per month. Thereafter the applicant was transferred and posted to Bhopal on 16.04.1992 and was again transferred to Dewas and is presently working at Dewas. The grievance of the applicant is that though the applicant had been working for such a long period he has neither been granted temporary status nor regularised against the said post. The



Applicant has also claimed benefit of earlier decision of this Bench in OA No. 786 of 1996, decided on 16th day of January 1997 (Annexure A-5).

2. The learned counsel for the respondents have submitted that though there is a post of Driver under the respondent No. 4 the post can be filled up only after complying with the statutory rules of recruitment. The applicant was engaged only as contractual Labourer as and when required and after obtaining prior approval, and the relief claimed in the OA cannot be granted to the applicant.

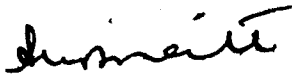
3. The counsel for the parties have been heard at length. We find that the Scheme of 1993 known as the Casual Labourers (Grant of Temporary Status and Regularisation) Scheme is for grant of temporary status to Group-D only. The scheme does not apply to Group-C. Consequently the applicant's ^{claim} for grant of temporary status on a Group-C post and the benefit of the said scheme cannot be extended to the applicant.

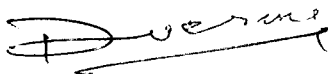
4. It is also noticed that the earlier OA which was decided by this Tribunal i.e. OA No. 786/1996, the facts there appears to be different. There the respondents case was that the applicant therein were appointed on contract and not by the Department as Casual Labourers or Daily Rated employees. The Tribunal while deciding the issue directed the respondents to regularise those applicants. Nowhere it is mentioned that the applicants were to be regularised as Group-C employees. The learned counsel for the applicant submits that Shri Mukesh Kumar has been regularised ^{as} a Driver which is a Group-C post.

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Even though that be so there being no such direction in the Tribunal's order dated 16.1.1997 no such benefit can be granted.

5. The submission of the learned counsel for the applicant is that the applicant has been working as Driver since 1991 and has gained more than 12 years of experience. Further submission is that the applicant was being engaged by the Department and that the applicant has been working continuously without any break. If that be so ^{and as} a sanctioned post of Driver is available with the Department, the respondents should have made a regular appointment to the said post. Allowing the applicant to continue to work for such a long period since 1991 without making any order of regularisation, has naturally caused injustice. As regard rule of appointment of Driver, which is a Group-C post, is not available before us, therefore we direct the respondents to consider the case of the applicant for appointment to the post of Driver in the Department in accordance with statutory rules taking into consideration the long service of more than 12 years performed by the applicant. The process be completed within a period of 3 months and the result thereof be communicated to the applicant. OA stands decided accordingly.


(Anand Kumar Bhatt)
Administrative Member


(D.C. Verma)
Vice Chairman (J)

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- (1) सतिन
 - (2) अपेन
 - (3) पतन
 - (4) वंयपन
- सूचना एवं शासनन

— Darrell - AD
B. da Silva de

PM 8.7.03
उप रजिस्ट्रर

Final
5/7/03