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CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDER SHEET

ORDERS OF THE TRIBUNAL

18.05.2012

TA 48/2009 (CWP 5340/2005)

Mr. S. Shrivastava, Proxy counsel for
Mr. C.B. Sharma, Counsel for applicant.
Mr. Neeraj Batra, Counsel for respondents.

On the request of the proxy counsel appearing on behalf
of the learned counsel for the applicant, list it on 13.07.2012.

Anil Kumar
(Anil Kumar)
Member (A)

K.S. Rathore
(Justice K.S.Rathore)
Member (J)

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13/07/2012 (T.A. No. 48/2009)

Mr. C.B. Sharma, Counsel for applicant.
Mr. Neeraj Batra, Counsel for respondents.

Heard.

T.A. is disposed of by a
separate order on the separate
Sheets for the reasons recorded
therein.

Anil Kumar
[Anil Kumar]
Member (A)

K.S. Rathore
(Justice K.S.Rathore)
Member (J)

**CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR**

TRANSFERRED APPLICATION NO. 48/2009
(DB Civil Writ Petition No. 5340/2005)

DATE OF ORDER: 13.07.2012

CORAM

**HON'BLE MR. JUSTICE K.S. RATHORE, JUDICIAL MEMBER
HON'BLE MR. ANIL KUMAR, ADMINISTRATIVE MEMBER**

Bhairun Lal S/o Shri Kesra Ram, aged about 39 years, R/o C-107, Singh-Bhumi, Khatipura, Jaipur, presently working as regular Mazdoor, Office of Divisional Engineer, Telecom - Projects, Jaipur

...Applicant

Mr. C.B. Sharma, counsel for applicant.

VERSUS

1. Union of India through Secretary to the Government of India, Department of Telecom, Ministry of Communications and Information & Technology, Sanchar Bhavan, New Delhi - 110001.
2. Chief General Manager, Northern Telecom Projects Circle (BSNL) Room No. 551, Kidwai Bhavan, Janpath, New Delhi - 110001.
3. Dy. General Manager, Telecom Projects (BSNL), IV Floor, Amenity Block, PGMTD Compound, Jaipur - 302001.
4. Divisional Engineer, Telecom Projects (BSNL), S-6, Ajay Sadan, Hawa Sarak, Jaipur - 302006.

...Respondents

Mr. Neeraj Batra, counsel for respondents.

ORDER (ORAL)

The brief facts of the case are that the applicant was initially appointed as casual labour on 01.09.1989 and since then continuously working with the respondents. The respondent-department promulgated scheme Casual Labourers (Grant of Temporary Status and Regularization) in the year 1989, and thereafter circulated instructions from time to time for



implementation of the scheme. The said scheme provides grant of temporary status after completion of one year service on the basis of work done 240 / 206 days in a year, in the case of 6 days' working and 5 days' working in the week, respectively. It is not disputed that the applicant was granted temporary status with effect from 12.02.1999, whereas the applicant claims the temporary status with effect from 01.01.1995, the date on which the junior person namely Shri Narain Singh was granted temporary status. Therefore, the applicant prayed that the impugned order dated 28.09.1999 (Annex. A/2) be modified to the extent that the temporary status given to the applicant with effect from 12.02.1999, should be given with effect from 01.01.1995.

2. Learned counsel for the applicant referred administrative order dated 07th November, 1989, i.e. 'Casual Labourers (Grant of Temporary Status and Regularization) Scheme, wherein it is observed that 'temporary status would be conferred on all the casual labourers currently employed and who have rendered a continuous service of at least one year, out of which they must have been engaged on work for a period of 240 days (206 days in the case of offices observing five days' week). Such casual labourers will be designated as Temporary Mazdoor.

3. We are not satisfied with the submissions made on behalf of the respondents that the temporary status to the applicant cannot be given with effect from 01.01.1995 as he has not completed 10 years service, and referred letter dated



15.04.1999 (Annexure R/3) issued by the Government of India, Department of Telecommunications, New Delhi, which is in our considered view is not applicable in the present case as this letter dated 15.04.1999 is only applicable for regularization of temporary status mazdoors, who have completed 10 years of service as on 31.03.1997, whereas for the purpose of giving temporary status only 240/206 days in a calendar year, in the case of 6 working days and 5 working days in the week, respectively, is required for grant of temporary status as per 'Casual Labourers (Grant of Temporary Status and Regularization) Scheme, 1989.

4. Admittedly, the applicant is eligible to be treated as temporary status holder with effect from 01.01.1995 i.e. the date on which the junior person namely Shri Narain Singh was granted temporary status. Therefore, the respondents are directed to modify the order dated 28.09.1999 (Annex. A/2) to the extent that the applicant is to be treated as temporary status holder with effect from 01.01.1995.

5. With the above observations and directions, the present T.A. stands disposed of with no order as to costs.

Anil Kumar
(ANIL KUMAR)
MEMBER (A)

J.C.S. Rathore
(JUSTICE K.S. RATHORE)
MEMBER (J)