

CENTRAL ADMINISTRATIVE TRIBUNAL
JAIPUR BENCH, JAIPUR

ORDERS OF THE BENCH

Date of Order: 22.01.2013

OA No. 106/2011

Mr. P.N. Jatti, counsel for applicant.

Mr. V.K. Pareek, counsel for respondents.

Heard learned counsel for the parties.

O.A. is disposed of by a separate order on the separate sheets for the reasons recorded therein.


(JUSTICE K.S. RATHORE)
JUDICIAL MEMBER

Kumawat

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
JAIPUR BENCH

Tuesday, this the 22nd day of January, 2013

CORAM:

HON'BLE MR. JUSTICE K.S.RATHORE, MEMBER (JUDL.)

OA No.103/2011

Babú Lal s/o Chiranji Lal
aged about 30 years
r/o Gram Bassi, VPO Gram Bassi,
presently disengaged Casual Labour
from the office of Chief Commissioner,
Customs and Central Excise,
Statue Circle,
Jaipur

... Applicant

(By Advocate: Shri P.N.Jatti)

Versus

1. Union of India
through the Secretary (Revenue),
Ministry of Finance,
Vitt Bhawan,
New Delhi.
2. The Chief Commissioner,
Customs and Central Excise,
Government of India,
Jaipur

... Respondents

(By Advocate : Shri V.K.Pareek)

OA No.104/2011

Ram Lal Bhati
 s/o Shri Narain Lal Bhati,
 r/o Plot no.43,44, Lohiya Colony,
 Near Vaishali Nagar, Jaipur
 present disengaged Casual Labour from
 the office of Chief Commissioner,
 Custom and Central Excise,
 Statue Circle, Jaipur

... Applicant

(By Advocate: Shri P.N.Jatti)

Versus

1. Union of India
 through the Secretary (Revenue),
 Ministry of Finance,
 Vitt Bhawan,
 New Delhi.
2. The Chief Commissioner,
 Customs and Central Excise,
 Government of India,
 Jaipur

... Respondents

(By Advocate : Shri V.K.Pareek)

OA No.105/2011

Madan Lal s/o Bhonri Lal,
 aged about 36 years
 r/o 26/266, Gular Ka Bandha,
 Subhash Colony, Sanganer,
 Presently disengaged Casual Labour
 from the office of Chief Commissioner,
 Custom and Central Excise,
 Statue Circle, Jaipur

... Applicant

(By Advocate: Shri P.N.Jatti)

Versus

1. Union of India
through the Secretary (Revenue),
Ministry of Finance,
Vitt Bhawan,
New Delhi.
2. The Chief Commissioner,
Customs and Central Excise,
Government of India,
Jaipur

... Respondents

(By Advocate : Shri V.K.Pareek)

OA No.106/2011

Manoj Kumar Suwal
s/o Shri Kalu Ram Suwal,
aged about 32 years
r/o H.No.2801, Kalyan Ji Ka Rasta,
Purohit Ki Ka Chowk, Jaipur,
Presently disengaged Casual Labour
from the office of the Chief Commissioner,
Customs and Central Excise,
Statue Circle, Jaipur

... Applicant

(By Advocate: Shri P.N.Jatti)

Versus

1. Union of India
through the Secretary (Revenue),
Ministry of Finance,
Vitt Bhawan,
New Delhi.
2. The Chief Commissioner,
Custom and Central Excise,
Government of India,
Jaipur

... Respondents

(By Advocate : Shri V.K.Pareek)

OA No.119/2011

Bhagwan Sahai Saini
 s/o Shri Narain Mali,
 aged about 30 years,
 r/o Plot No.46, Govind Vatika,
 Lacchman Doongari,
 Delhi-bye pass, Jaipur
 Presently disengaged Casual Labour
 In the office of the Chief Commissioner,
 Custom and Central Excise,
 Statue Circle, Jaipur

... Applicant

(By Advocate: Shri P.N.Jatti)

Versus

1. Union of India
 through the Secretary (Revenue),
 Ministry of Finance,
 Vitt Bhawan,
 New Delhi.
2. The Chief Commissioner,
 Custom and Central Excise,
 Government of India,
 Jaipur

... Respondents

(By Advocate : Shri V.K.Pareek)

OA No.120/2011

Ved Prakash Sharma
 s/o Shri Ram Avtar Sharma
 aged about 27 years
 r/o village and post Khejroli,
 Distt. Jaipur, presently disengaged
 Casual Labour in the office of the
 Chief Commissioner, Customs and
 Central Excise, Statue Circle,
 Jaipur

... Applicant

(By Advocate: Shri P.N.Jatti)

Versus

1. Union of India
Through the Secretary (Revenue),
Ministry of Finance,
Vitt Bhawan,
New Delhi.
2. The Chief Commissioner,
Custom and Central Excise,
Government of India,
Jaipur

... Respondents

(By Advocate : Shri V.K.Pareek)

ORDER (ORAL)

The aforementioned OAs are heard together due to similar facts and the law involved and are being disposed of by this common order.


2. I am taking OA No.103/2011, Babu Lal vs. Union of India as leading case.

3. It is not disputed that the applicants were engaged as casual labourers and as per the respondents they were discharging duties for 3-4 hours per day. With regard to applicant, Shri Babu Lal, he was engaged as part time casual labourer in September, 1997 and worked till November, 2002. The applicant was not appointed as Group-D Casual Labourer against sanctioned post. He was engaged as part time worker by verbal orders for contingency work.

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4. The Department of Personnel and Training, Government of India vide OM dated 10.9.1993 issued a scheme for casual labourers for grant of temporary status and regularization. As per para 4(i) of the scheme, temporary status would be conferred on all casual labourers who were in employment on the date of issue of this OM and who had rendered a continuous service of at least one year, which means they must have been engaged for a period of at least 240 days (206 days in the case of offices observing five days a week). Further as per para 8(i) of the said scheme, two out of every three vacancies in Group-D cadres were to be filled up from amongst Casual Labourers with temporary status as per the recruitment rules and in accordance with the instructions. The DOPT vide OM dated 12.7.1994 clarified that the casual workers engaged without employment exchange cannot be bestowed with temporary status and the temporary status could not be granted to the part time casual workers.

5. It is further not disputed that the applicants were engaged as casual labourers and during the course of arguments, the learned counsel appearing for the applicants submits that the applicants are ready to work as casual labourers even through Contractor and placed reliance on the order of this Bench of this Tribunal dated 19.4.2012 passed in OA No.564/2009 in the case of Hari Prasad Sharma vs. UOI whereby this Tribunal have considered the observations made vide order dated 18.3.2010 in OA No.72/10 that as per the stand taken by the respondents, the contract has become effective w.e.f. 1.2.2010 and



no grievance has been made before this Tribunal that any of the applicant has been dis-engaged by the contractor or the contractor is paying less wages than being paid to them immediately before commencement of the contract. Thus, the applicants have not been put to any disadvantageous position as yet except that instead of taking work from the applicants by the department, the same is being taken by the department through contract service. Upon asking whether the applicants are ready to work through contractor, the learned counsel for the applicant submits that applicants are ready to work through contractor.

5. Since the applicants in these OAs are ready to work through contractor. Therefore, in my considered view, the ends of justice will be met, if the respondents allow the applicants to work through contractor.

6. With these observations, all the OAs stand disposed of with no order as to costs.


(JUSTICE K.S.RATHORE)
Judl. Member