

**Central Administrative Tribunal
Principal Bench, New Delhi**

**MA No.3071/2017
OA No.2142/2017**

Order Reserved on :31.10.2017
Order pronounced on :13.11.2017

Hon'ble Ms. Praveen Mahajan, Member (A)

1. Shri Kartar Singh (Age about 58 years)
S/o Late Shri Chet Ram, working as Casual Labour
(at present disengaged) O/o Dy. Superintending
Archaeological Chemist, Delhi Zone, Red Fort
Delhi – 110 006.
R/o Vill-Post: Kanonda, Distt: Jhanjhar, Haryana.
2. Shri Narender Singh
(Age about 45 years)
S/o Late Shri Hukum Singh
Working as Casual Labour (at present disengaged)
O/o Dy. Superintending Archaeological Chemist
Delhi Zone, Red Fort, Delhi – 110 006.
R/o Vill-Habibpur, Post: Sonda Habibpur
Distt: Bulandshahar
U.P., PIN-203132.
3. Shri Ashok Kumar
(Age about 46 years)
S/o Late Shri Hari Chand, Working as Casual Labour
(At present disengaged) O/o Dy. Superintending
Archaeological Chemist, Delhi Zone, Red Fort
Delhi – 110 006
R/o Vill : Sadullapur, Post: Vaidpura
Distt: Gautambudhnagar, UP.
4. Shri Narender Kumar
(Age about 50 years)
S/o Late Shri Ram Prakash
Working as Casual Labour (at present disengaged)
O/o Dy. Superintending Archaeological Chemist
Delhi Zone, Red Fort, Delhi – 110 006
R/o H.No.316-A, Block-II, Nangla Gujran Teh.
Distt.: Faridabad, Haryana.
5. Shri Sushil Kumar
(Age about 40 years)
S/o Late Shri Ved Prakash
Working as Casual Labour
(at present disengaged) O/o Dy. Superintending
Archaeological Chemist, Delhi Zone, Red Fort
Delhi – 110 006, R/o Vill. Post: Bishehra
Distt. :Gautambudhnagar, UP.

6. Shri Vinod Kumar
(Age about 41 years)
S/o Late Shri Hari Chand
Working as Casual Labour (at present disengaged)
O/o Dy. Superintending Archaeological Chemist
Delhi Zone, Red Fort, Delhi – 110 006
R/o Vill. : Sadullapur, Post :Vaidpura
Distt. Gautambudhnagar, UP.
7. Shri Shyamveer
(Age about 48 years)
S/o Late Shri Sheesh Ram
Working as Casual Labour
(at present disengaged) O/o Dy. Superintending
Archaeological Chemist, Delhi Zone, Red Fort
Delhi – 110 006, R/o –Vill: Sadullapur
Post : Vaidpura
Distt. Gautambudhnagar, UP.
8. Shri Tulsi Das
(Age about 45 years)
S/o Late Shri Nathu Ram
Working as Casual Labour (at present disengaged)
O/o Dy. Superintending Archaeological Chemist
Delhi Zone, Red Fort, Delhi -110 006
R/o Vill.-Bagner, Post: Narela
New Delhi. ... Applicants

(By Advocate: Shri A.K.Bhakt)

VERSUS

Union of India & Others (Ministry of Culture) through

1. The Secretary
Ministry of Culture
Shashtri Bhawan, New Delhi.
2. Director General
Archaeological Survey of India
Janpath, New Delhi.
3. Dy. Superintending Archaeological Chemist
Archaeological Survey of India
Red Fort Complex, Delhi -06.
4. Director (Science)
Archaeological Survey of India
29, New Cantt. Road, Dehradun
Uttarakhand. ... Respondents

(By Advocate: Dr. L.C.Singh)

ORDER

The learned counsel for the applicants stated that the applicants have been performing their duties as casual labourers for almost three decades but the respondents have not given them the due benefits while temporary status has been given to the juniors and similarly situated persons in other branches. The Screening Committee was to decide the entitlement of temporary status and 1/30th of the pay at the Minimum of relevant pay scale of Group 'D' employee plus allowances to the casual labourers working with the respondents, however, the respondents are in the process of dis-engaging them with malafide intention. He therefore, prays that respondents may be directed not to dis-engage the applicants from service till the disposal of this OA.

2. Per contra, the learned counsel for respondents stated that the applicants were engaged as casual labourers as per the administrative exigencies and they were never appointed on any particular post or a vacancy. Since the engagement was purely on temporary basis, none of them is entitled to get temporary status of 1/30th wages of the minimum scale of pay as admissible in case of a Group -D employee appointed on regular basis.

3. I have gone through the facts of the case and carefully considered the submissions made by both the learned counsel. At this stage, it is also revealed that during the course of hearing some of the applicants have already been dis-engaged by the respondents. The respondents are directed to continue the services of the applicants, if there is work and in preference of their juniors/freshers/outsourced employees till the outcome of this OA.

(Praveen Mahajan)
Member(A)

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