

Central Administrative Tribunal
Principal Bench
New Delhi

O.A.No.3222/2011

Order Reserved on: 12.10.2015
Order pronounced on 19.11.2015

Hon'ble Shri V. Ajay Kumar, Member (J)
Hon'ble Shri P. K. Basu, Member (A)

Ex-Farm Syce Shri Chetan (P No.5226)
S/o Late Shri Chhotey aged about 71 years
Superannuated w.e.f. year 2000 on attaining age
Of 60 years while working as Regular Syce
Gp 'D'post in Equine Breeding |Stud (EBS)
Babugarh Cantt. Under QMG's Branch Dte
Gen. RVS (RV-1) AHQ Ministry of Defence
R/o Village & Post Bichhlota
Distt. Ghaziabad (U.P.)
(Through Sh. V.P.S.Tyagi, Advocate). Applicant

(By Advocate: Shri V.P.S.Tyagi)

Versus

1. The Union of India (Through Secretary)
Ministry of Defence
South Block
New Delhi.
2. The Director General of RVS (RV-1)
QMG's Branch AHQ
IHQ of MOD (Army)
West Block-III, R.K.Puram
New Delhi.
3. The Commandant
Equine Breeding Stud

Babugarh Cantt.

Distt. Ghaziabad (U.P.).

... Respondents

(By Advocate: Mrs. Priyanka Bhardwaj)

O R D E R

By V. Ajay Kumar, Member (J):

The applicant, a retired Syce, Group D post, in the 3rd Respondent-Equine Breeding Stud, Babugarh, Ghaziabad, filed the OA seeking the following relief(s):

- (a) Direct the Respondents to accord the similar and identical benefits, monetary by making payment of arrears of paid weekly off remaining unpaid for the period the applicant has worked as daily wager admittedly w.e.f. 1980 to Sept. 1993 prior to his substantive Absorption in Gp. 'D' post of Beldar as per provisions of DOP&T OM dt. 7.6.88 regarding payment of Arrears of paid weekly off remaining unpaid on par by extending directions of Hon'ble Tribunal order which has been implemented in similar cases.
- (b) Pass any order or directions as deemed just & proper in the facts and circumstances of this case with award of the cost in favour of the applicant against the Respondents."

2. Heard Shri V.P.S.Tyagi, the learned counsel for the applicant and Mrs. Priyanka Bhardwaj, the learned counsel for the respondents, and perused the pleadings on record.

3. The learned counsel for the applicant submits that the applicant was initially engaged as Daily Wager and thereafter was granted substantive absorption by regularization of his services as Syce, at the age of 52 years vide Order dated 17.09.1993 (Annexure A3). He retired while working as such, on attaining the age of superannuation. When he was not granted pension, he filed OA 1340/2007, seeking granting of monthly pension, after counting of 50% for the period of Daily Wager services, in terms of DoPT's OM dated 08.04.1991. It is

stated that some of his colleagues, who were not granted regularisation by operation of DoPT's OM dated 08.04.1991, were thereafter granted Temporary Status as per the DoPT's OM dated 10.09.1993 reckoning the same w.e.f. 01.07.1996.

4. When he was not granted pension, he filed OA 1340/2007 seeking granting of monthly pension of counting 50% of the period of daily wage service in terms of the DoPT OM dated 8.4.1991 (Annexure A2). In pursuance of the orders passed in the said OA, as upheld in WP (C) No.5253/2008 in OA No.1340/2007, the applicant was granted the monthly pension.

5. It is further stated that the applicant has made a representation on 15.02.2011 (Annexure-A) for releasing arrears of paid weekly off in terms of DoPT's OM dated 07.06.1988 in the similar manner, the same were granted to those who were conferred with Temporary Status in terms of OM dated 10.09.1993. However, claim of arrears of paid weekly off, for the period from 1980 to September, 1993, was rejected on the ground that the same is payable only to Casual workers who were conferred with the status of CLTS and that the applicant was never accorded with the said status, as he was regularized in the post of Syce.

6. The learned counsel for the applicant submits that as per the Annexure A5 OM dated 07.06.1988, the casual workers are entitled for one paid weekly half after six days of continuous work and since he

worked as Daily Wager from 1980 to September, 1993 (i.e., till his services were regularized as Syce), he is entitled for the said benefit.

7. The learned counsel further submits that in the identical circumstances, similarly situated persons were granted the benefit of payment of paid weekly off, in OA 1255/2013 (**Shri Jaipal Singh v. Union of India & Others**) dated 13.03.2015 by this Tribunal, and hence, he is also entitled for extending the similar benefit.

8. Per contra, the respondents submit that the applicant was engaged from 1990 to 15.09.1993. He was regularized as Syce. The applicant was never accorded Casual Labour Temporary Status (CLTS), as he was already regularized as Syce w.e.f. 16.09.1993, i.e., even before the implementation of CLTS Scheme in the respondent-establishment. In view of the orders of this Tribunal, all the benefits under the CLTS Scheme have been paid to all the CLTS employees as per their entitlement since 01.07.1996, i.e., the date of conferment of temporary status on the eligible employees as per DoPT OM dated 10.09.1993. The applicant is not entitled for any benefits under the said Scheme as he was regularized as Syce w.e.f. 16.09.1993, i.e., well before 01.07.1996.

9. As per the averments of the applicant himself, and also as per the DoPT OM dated 07.06.1988, and the OM dated 10.09.1993, the casual labourers, who were conferred with temporary status, are only entitled for paid weekly offs. The applicant nowhere disputed the

contention of the respondents that he was not conferred with temporary status at any point of time.

10. Even, the applicants in OA No.1255/2013, dated 13.03.2015, on which the learned counsel for the applicant placed heavy reliance, were also conferred with temporary status, and hence, the same has no application to the applicant's case.

11. In the circumstances and for the aforesaid reasons, the OA is devoid of any merit and accordingly, the same is dismissed. No order as to costs.

(P. K. Basu)
Member (A)

(V. Ajay Kumar)
Member (J)

/nsnrvak/