

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 1398/2003.
OA NO. 1381/2003 &
OA NO. 1416/2003

This the 1st day of October, 2003

HON'BLE SH. KULDIP SINGH, MEMBER (J)

OA NO. 1398/2003

Sita Ram
S/o Sh. Asha Ram
R/o 192, Pandav Udyan
Narela, New Delhi.

OA NO. 1381/2003

Jag Naresh
S/o Sh. Tilak Ram
R/o 1600, Sector-V,
R.K.Puram, New Delhi.

OA NO. 1416/2003

Rajbir Singh
S/o Charan Singh
K-219, Kali Bari Marg.
New Delhi-110001.

(By Advocate: Sh. S.S.Nehra)

Versus

1. Union of India through its
Chief Controller of Accounts,
Ministry of Finance, Room No.76,
North Block, New Delhi-110001.
2. Senior Accounts Officer (Admin.),
Office of the Chief Controller of Accounts,
Ministry of Finance, Room No.76,
North Block, New Delhi-110001.

(By Advocate: Sh. K.C.D.Gangwani with
Sh. K.P.Singh, Sr. Accountant
departmental representative).

O R D E R (ORAL)

By Sh. Kuldip Singh, Member (J)

By this common order I will dispose of three OAs filed
by the applicants therein respectively. All these applicants
have a common grievance as their services have been disengaged
vide order dated 28.4.2003.

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2. Facts in brief are that the applicants have been working as casual workers with the respondents. They have been engaged from time to time. They also alleged to have completed requisite number of days for grant of temporary status. Their services have not been regularised despite vacancies being available with the respondents. Applicants, therefore, seek declaration that the action of the respondents disengaging them from work is illegal and they are entitled for temporary status and regularisation of their services in view of the OM dated 10.9.93 and order dated 16.1.2002 in OA-1462/2001.

3. Applicants had earlier approached this Tribunal vide OA-1112/99 which OA was allowed and the following directions were issued:-

"In view of the submissions made by the learned counsel for the respondents, I dispose of this OA with a direction that in case the respondents have further requirement of casual labourers, they will also consider the applicants herein giving them preference on the basis of their engagement already rendered with the respondents. After their re-engagement the respondents will also consider the cases of the applicants for grant of temporary status as per the relevant Scheme. The OA is disposed of as above. No costs."

4. Two of the applicants again filed an OA-1462/2001 which was also disposed of with the directions as under:-

"6. In the above view of the matter, the OA succeeds substantially and is accordingly disposed of. Respondents are directed to re-engage the services of the applicants, when the work is available, and grant them temporary status, as they have become eligible for grant of the same by January 1998. Respondents also shall not engage anyone through contractors, for doing the work, which the applicants have been performing or similar work. Once the applicants are engaged and granted temporary status, they would also get the benefit of

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pay worked out on daily basis, on the minimum of the basic pay in the appropriate post/grade."

5. After the second OA applicants were re-engaged for some time but again they have been disengaged on the plea that no work is available.

6. Respondents are contesting the OA. Respondents admit that after the OA-1462/2001 was disposed of wherein directions were issued to re-engage the services of the applicant. Applicants were offered an opportunity to submit their willingness for the work generated on part time sweeping work on consolidated wages of Rs.1,000/- subject to the condition that his services could be dispensed with giving one month's notice. Now since the service of the applicant are no more required, the same has been dispensed with. Similarly, applicant Raj Bir Singh was also engaged in view of the directions given in OA-1462/2001 on part time basis. Same is the case with the third applicant Sita Ram. But now it is stated that no more work is available.

7. I have heard the counsel for the parties and gone through the record.

8. As regards the relief claimed by the applicants for grant of temporary status under the scheme of 10.9.93 is concerned, since it has already been held in Mohan Pal's case by Hon'ble Supreme Court that the said scheme was a one time scheme and none of the applicants claims that they were in service on 10.9.93, so temporary status cannot be conferred upon the applicants.

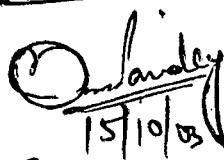
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9. As regards the re-engagement of the applicants is concerned, I may mention that today when the case was taken up for hearing counsel appearing for the respondents on the instructions of his clients through Sh.K.P.Singh, Sr. Accountant submitted that work is not available. No one has been engaged in place of the applicants. Applicants have pointed out that one Ms. Sarita was being engaged through K.K.Contractors and one Sh. Kanti was working at PAO Office at Church Gate of the respondents but respondents totally deny their engagement either independently or through contractor. However, respondents still agree that in case any work is available with the respondents then applicants shall be engaged in preference to juniors and outsiders. Respondents had also placed on record a letter that no persons have been engaged named Ms. Sarita and Sh. Kanti as work is not available with them. That letter had also been taken on record.

10. Keeping in view the statement of affairs, I find that no case for re-engagement of the applicant for time being had been made out. OA cannot be allowed and the same is disposed of. However, respondents are directed that if in future any work of the nature of which the applicants were performing that work becomes available with the respondents then the respondents shall re-engage the applicants in preference to juniors and outsiders as directed earlier in OA-1112/99. OAs stands disposed of. No costs.


(KULDIP SINGH)
Member (J)

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Attested,

15/10/03
Section Officer
(J-1)