

(2018) 07 CAT CK 0069

In the Central Administrative Tribunal

Case No : Original Application No. 3305 Of 2016

Om Prakash

APPELLANT

Vs

Union Of India And Ors

RESPONDENT

Date of Decision : 20-07-2018

Acts Referred:

Citation : (2018) 07 CAT CK 0069

Hon'ble Judges : Nita Chowdhury, Member (A)

Bench : Single Bench

Advocate : R.K. Shukla, DS Mahendru

Final Decision : Dismissed

Judgement

1. This Original Application (OA) has been filed by the applicant, claiming the following reliefs:--

"(a) to quash and set aside the impugned order dated 16.04.2016 whereby directing the respondents to consider for regularization of the applicant as MTS as has been granted other similarly placed persons.

(b) To direct the respondents to consider the case of the applicant for regularization on the ground of equity as well as on the basis of judicial pronouncement as well.

(c) to allow the original application with all consequential benefits.

(d) Award the cost of the litigation.

(e) Any other relief which this Hon'ble Tribunal deem fit and proper may also be passed in the facts and circumstances of the case in favour of the applicant."

2. The facts, as stated, are that the applicant had been working with the respondents as Part Time Daily Wager since 21.04.1997. His services were dispensed with by the respondents on 04.10.1997. Further, in compliance with the orders dated 19.12.1999 and 21.07.2000, he was re-engaged as a Part Time

Daily Wager and since then he continues to be in employment as such.

3. The respondents have quite fairly stated that the applicant has preferred number of applications to regularize his services, but the respondents have been unable to do the same in the absence of any rules permitting the same. His period of casual service does not come within the scope of DoPT OM dated 10.09.1993. Further, the respondents state that as the applicant is a part time casual labourer, he does not fulfill the conditions mentioned in the DoPT OM dated 10.09.1993 for grant of temporary status and regularization. As such, he cannot be granted temporary status as per 1993 Scheme.

4. The applicant has sought to draw attention to the fact that two persons, namely Smt. Raj Kaur and Shri Balraj have been engaged as part time worker in reply to which the respondents pointed out that the concerned persons were in fact working as such w.e.f. 27.5.1981 and 4.2.1987 respectively.

5. The applicant further drew attention to the judgment passed in Writ Petition No.20664/2011 in the case of A. Murgan & Six others Vs. Union of India & Ors. in which the respondents have been directed to come out with the Scheme for regularization of those casual labourers who could not be covered under the Scheme dated 10.09.1993. However, respondents have informed the factual position in this regard that no such scheme has been framed as yet. It is quite fairly stated by the respondents that as and when such scheme is framed, the applicant's claim for regularization shall be considered in case he fulfills all the conditions of that post as directed under the Scheme as framed.

6. At present, there is no merit in this OA and hence, the same is dismissed. No order as to costs.