



सत्यमेव जयते

न्यायालय मुख्य आयुक्त विकलांगजन
COURT OF CHIEF COMMISSIONER FOR PERSONS WITH DISABILITIES
विकलांगजन सशक्तिकरण विभाग / Department of Empowerment of Persons with Disabilities
सामाजिक न्याय और अधिकारिता मंत्रालय / Ministry of Social Justice and Empowerment
भारत सरकार / Government of India

Case No. 2973/1014/2014

Dated: 10, July, 2017

In the matter of :

Shri R.D. Verma
Casual Labourer
Staff Selection Commission
CGO Complex, Lodhi Road, New Delhi.

R2009

... Complainant

Versus

Staff Selection Commission
(Through: The Chairman)
Block No. 12, CGO Complex
Kendriya Karyalay Parisar
Lodhi Road, New Delhi.

R2010

... Respondent

Date of hearing: 18.04.2017

Present:

1. Complainant present
2. Shri Ravinder Kumar, Deputy Secretary along with Shri Chaman Lal, ASO and Shri S.K. Meena, Under Secretary (SSC/NR) on behalf of the Respondent.

ORDER

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Shri R.D. Verma, complainant, a person with locomotor disability, filed a complaint dated 18.10.2014 before the Court of the Chief Commissioner for Persons with Disabilities under the Persons with Disabilities Act, 1995 intimating that he is working in the Staff Selection Commission as a casual labourer since 1980. In spite of having served in this Commission for about 19 years, his services have not been regularized.

2. The matter was taken up under Section 59 of the Persons with Disabilities Act, 1995 with the Staff Selection Commission, New Delhi vide this Court's letter dated 09.04.2015 and followed by reminder dated 23.09.2015.

3. The Court of the CCPD vide letter dated 14.02.2017 asked the Staff Selection Commission to inform the present status of the matter along with the details of vacancies filled since 01.01.1996 in Group 'C' & 'D' in the prescribed proforma and a certificate from the Liaison Officer certifying that the reservation roster for the persons with disabilities has been maintained as per DoP&T's instructions.

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(कृपया भविष्य में पत्राचार के लिए उपरोक्त फाईल/केस संख्या अवश्य लिखें)
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4. The Staff Selection Commission neither informed the present status of the matter nor furnished the details of the vacancies filled since 01.01.1996. The matter was listed for hearing on 18.04.2017.
5. During the hearing, the complainant informed that he is working in the Staff Selection Commission as a casual labourer since 1990 but his services have not been regularized.
6. During the hearing, the representative of the respondent informed that the Commission has eight casual labourers (without temporary status) including the complainant. The complainant was engaged on daily wage basis on 15.06.1990. The Government of India formulated scheme for grant of temporary status and regularization in 1993 in pursuance of the CAT, Principal Bench judgment dated 16.02.1990. As per the scheme formulated by DoP&T on 19.09.1993, for grant of temporary status and regularization of casual workers, casual workers who fulfil the following conditions can only be granted temporary status and service of such casual labourers who have been granted temporary status will only be considered for regularization, subject to availability of vacancies, reservation roster and as per extant order of the Government.
- (a) Casual workers should be in position as on 10.09.1993, the date of issue of the order of DoP&T with grant of temporary status and regularization of services of casual workers.
- (b) They should have rendered one year of continuous service which means that they must have been engaged for a period of at least 240 days (206 days in offices observing five days a week).
7. Since the complainant and other seven casual workers were not in position on 10.09.1993, they were not eligible for grant of temporary status and consequently for consideration of regularization of service. The case of 08 casual labourers including the complainant was referred to DoP&T on two occasions for grant of temporary status, but the same was turned down. The representative also submitted a letter of the Staff Selection Commission dated 11.04.2017 which was taken on record. As per the letter, it was mentioned that in pursuance of DoP&T's letter No. 24012/15/2013-Estt.(B) dated 18.10.2016 and SSC (HQ)'s Office Order No. 12031/1/2008-G dated 06.12.2016, Shri R.D. Verma, complainant has been granted temporary status w.e.f. 06.01.994 and submitted a copy thereof. As soon as there is a regular vacancy, the case of the complainant will be considered accordingly.

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8. After hearing the parties and perusal of the records available, the Court observed that there does not seem any violation of provisions of the Persons with Disabilities Act, 1995 since the complainant has been granted temporary status and he will be considered for regularization of service as and when the vacancy arises.

9. The case is accordingly closed.

(Handwritten Signature)

(Dr. Kamlesh Kumar Pandey)
Chief Commissioner for
Persons with Disabilities