



2026:AHC:42064-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 2640 of 2026

Atul Kumar and 3 others

.....Petitioner(s)

Versus

Union of India and 3 others

.....Respondent(s)

Counsel for Petitioner(s)	: Ankit Gaur, Naveen Srivastava for Sameer Srivastava
Counsel for Respondent(s)	: Shashi Prakash Singh (A.S.G.I.) with Purnendu Kumar Singh

Chief Justice's Court

HON'BLE ARUN BHANSALI, CHIEF JUSTICE
HON'BLE KSHITIJ SHAILENDRA, J.

1. This petition is directed against order dated 21.02.2025 passed by Central Administrative Tribunal, Allahabad Bench, Allahabad, whereby the Original Application ('OA') filed by the petitioners has been dismissed.
2. The OA was filed seeking quashing of the e-tender issued by respondent no. 3 for providing casual labours (unskilled) for the work of annual maintenance to protected monuments under Allahabad Sub-circle of Archaeological Survey of India and a direction to the respondents to grant the petitioners temporary status and give all the benefits granted by Office Memorandum dated 19.02.2018 for engagement of casual labour by the Central Government/Departments.
3. The petitioners claimed to be casual labours working under the respondent-Archaeological Survey of India who are engaged on different dates and have been performing the work of maintenance and care of centrally protected monuments. The petitioners claimed to have been appointed in the year 2012 and have been performing their duties for different periods during different years. Their salaries were credited regularly to their bank accounts. The petitioners relied on various Office Memoranda issued by Ministry of Personnel, Public Grievances and Pensions, particularly the OMs dated 07.06.1988, 10.09.1993, 16.10.2014 and 14.06.2016 dealing with engagement of casual labours in

Government offices and granting temporary status to those who had completed one year of continuous service. It was claimed that their continuous service and nature of work make them eligible for regularization under the applicable OM and the respondents were not justified in issuing e-tender for providing casual labours (unskilled).

4. The respondents contested the claim made. The issuance of tender was based on Rule 197 of the General Financial Rules, 2017 permitting engagement of manpower through outsourcing for non-consulting services. It was submitted that the petitioners were engaged for casual or intermittent work against sanctioned estimates on a yearly basis and once the assigned work was complete, their services were dispensed with. Further, merely being re-engaged for fresh work does not give the petitioners any vested right to continue working indefinitely or claim regularization. It was submitted that DoP&T Scheme of 1993 was applicable to those who were employed as of 10.09.1993 and had completed 240 days of service in the preceding year to be eligible for regularization and as the petitioners were engaged much later, the Scheme had no application to them.

5. Further, emphasis was laid on the observations made by Hon'ble Supreme Court that the 1993 Scheme was not an ongoing Scheme and as the subsequent OM dealt with casual labours with temporary status, the same is not applicable to the petitioners.

6. The Tribunal, after hearing the parties, came to the conclusion that 1993 Scheme applied to workers engaged as of 10.09.1993 and as the petitioners were engaged well after the cut off date, the Scheme was not applicable to them. The subsequent OM did not confer any right to seek temporary status or regularization and consequently, dismissed the O.A.

7. Learned counsel for the petitioners made vehement submissions that the Tribunal was not justified in dismissing the OA. Submissions were made that the OM dated 07.06.1988, which dealt with recruitment of casual workers and persons on daily wages, was specifically continued in the OM dated 10.09.1993 and the OM of 1988 provided for payment at the rate of 1/30th of the pay at the minimum of the relevant pay scale +

dearness allowance for work of eight hours a day and in similar circumstances, Tribunals at Jabalpur and Cuttack have granted relief, whereas in the present case, the Tribunal has wrongly refused the said relief.

8. Counsel for the respondents supported the order impugned. Submissions were made that the reliance placed on the judgements of the Jabalpur and Cuttack Bench is totally misplaced, as the petitioners have not claimed the relief, as was granted in the said cases. The relief is specifically regarding the benefit of 2018 OM which deals with applicability of the recommendations of the 7th Central Pay Commission to the pay scale of casual labours with temporary status. It was submitted that the petitioners were not conferred temporary status at any stage, as under the OM of 1993 and all subsequent OMs, they were not eligible and therefore, the Tribunal was justified in rejecting the OA.

9. We have considered the submissions made by counsel for the parties and have perused the material available on record.

10. A perusal of the relief clause in the OA indicates that the petitioners nowhere claimed payment of wages in terms of OM of 1988 i.e. 1/30th of the pay at the minimum of the relevant pay scale + dearness allowance for work of eight hours a day. Specific claim was made to give benefit of OM dated 19.02.2018. The OM dated 19.02.2018 pertained to applicability of the recommendations of the 7th Central Pay Commission to casual labours with temporary status.

11. Admittedly, the petitioners had not been conferred with the temporary status at any point of time, as the only OM dealing with grant of temporary status is of the year 1993 which only pertains to those who were in employment on the date of issuance of the said Scheme. Admittedly, the petitioners joined as casual labours in the year 2012 i.e. after about 19 years of the issuance of the notification of 1993 and as such, the same had no applicability to their case.

12. The reliance placed on the judgements of the Jabalpur and Cuttack Bench is *ex-facie* misplaced, in so far as the relief claimed in the present OA is concerned, as it is nowhere the case of the petitioners that in terms

of OM of 1988 they were entitled to particular emoluments. In view thereof, the attempt made to refer to applicable judgements cannot be countenanced.

13. The petition has no substance. The same is, therefore, **dismissed**.

(Kshitij Shailendra, J) (Arun Bhansali, CJ)

February 23, 2026
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