

08.04.2025
(D/L-5)
Ct. No.4
(B.K.N.)

W.P.C.T. 64 of 2025

**The Principal Commissioner of CGST & CX.,
Kolkata North Commissionerate
Vs.
Shri Subir Das & Ors.**

Mr. U. S. Bhattacharya,
Mr. Kaustav K. Maiti

...for the Petitioner

1. The applicants before the Tribunal were claiming the benefit of a scheme regarding conferment of temporary status on casual labourers/workers. The scheme came into force with effect from 1st September, 1993. The applicants claimed before the Tribunal that they had been working continuously as full time casual workers for at least 240 days prior to coming into force of the scheme and were, therefore, entitled to benefit under the scheme. They were placing reliance upon a communication sent by the Administrative Officer, Siliguri Customs Directorate dated 30th March, 1999 wherein he has forwarded the case of the applicants recommending that they have completed 240 days of work during the period of 1st October 1992 to 30th September, 1993 as a full time worker.
2. The respondents, however, took a stand before the Tribunal that the applicants were not full time casual

workers, but were part time casual workers and therefore, 240 days was irrelevant for the applicants. The Tribunal thereafter has taken into consideration the order passed by it in O.A. No. 148 of 2005 in case of ***Fatik Layed & another Vs. Ministry of Finance*** by an order dated 16th January, 2007 the Tribunal held as follows:

“However, for the purpose of computation of eligible service, half of the service rendered as part time casual labourer should be taken into account. That is, if a part time casual labourer has served for 480 days in a period of two years, he will be treated, for purpose of recruitment to have completed one year of service as full time casual labourer. This aspect had been clarified in a similar case by a letter dated 17.5.1989 by the Govt. of India, Ministry of Communication, Dept. Of Post, giving clarification regarding casual labourers and part time casual labourers.”

3. Under this circumstances the Tribunal has directed the respondents to consider the petitioner's claim based on the recommendation of the Administrative Officer, Siliguri Customs Directorate as also examine their claim with reference to the judgment passed by the Tribunal in O.A. No. 148 of 2005 (supra).
4. The learned counsel for the petitioner submits that the applicants had not completed 240 days in a year and, therefore, they were not entitled to conferment of temporary status under the scheme of 1993.
5. We have put a specific query as to where is the finding in the order passed by the Tribunal that the applicants have completed 240 days in a year prior to

implementation of the 1993 scheme. Being faced with such question the learned counsel is not in a position to point out that the Tribunal has recorded any such finding.

6. The learned counsel for the petitioner submits, however, that since 8 weeks time was granted for consideration long back on 7th March, 2024 and the same has lapsed in the interregnum, the authorities may be permitted to consider the claim in accordance with the directions passed by the Tribunal by extending the time granted by the Tribunal.
7. Having regard to such stand taken by the learned counsel for the petitioner we grant the petitioner further time for eight weeks, from date for considering the claim of the applicants in terms of the order passed in O.A. No. 1760 of 2016 on 7th March, 2024.
8. We thus dispose of the writ petition without interfering with the impugned order passed by the Tribunal.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)