

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 2773/2002

This the 11th day of August, 2003

(9)

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

Jawahar Lal
S/o Shri Shambhu Parsad,
R/o RZ-11, Madan Puri
West Sagar Pur,
Delhi-110046. ... Applicant
(By Advocate: Sh. R.S. Rawat)

Versus

1. Union of India

through the Secretary,
Ministry of Defence,
South Block, New Delhi-110 001.

2. Director General Ordnance Service
Master General of Ordnance Branch.
DHQ, P.O.
New Delhi-110 001.

3. The Commandant
Central Vehicle Depot,
Delhi Cantt,
Delhi-110 010

(By Advocate: Mrs. Avinash Kaur)

ORDER (URAL)

By Sh. Kuldip Singh, Member (J)

Applicant has filed this OA seeking grant of temporary status and consequential benefits of regularisation in Group 'D' post, as per the scheme of DOPT dated 10.9.93 pertaining to casual labourer, grant of temporary status and regularisation scheme of 10.9.93.

2. Applicant alleges that he was engaged from 4.7.93 onwards for a spell of 89 days and in the year 1993 itself he had been engaged for 3 different spells of 90 days meaning thereby that he had worked with the respondents for about 263 days in the year 1993 itself. As per the scheme, benefit of temporary status could be given to those employees who are

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working on 10.9.93. Applicant is also such an employee who was working on 1.9.93. So applicant should be conferred with the temporary status.

3. Applicant had earlier filed an OA No.3178/2001 which was disposed of with the directions to the applicant to make a representation to the respondents within a period of two weeks from the date of receipt of a copy of this order which shall be considered by the respondents having regard to the observations made above by passing a reasoned and speaking order thereon. In accordance with the direction, applicant has made a representation which was disposed of vide order dated 13.9.2003. The representation of the applicant was rejected as the respondents have stated in their impugned order that the applicant was no more in service after 2.11.93. So temporary status could not be conferred on him. Besides that it is also stated that the applicant remained silent for a long period about his claim and therefore there is a reasonable belief that he was not interested in claiming the relief. Moreover, it is stated that the vacancies are required to be filled up and since the applicant himself did not come forward to seek re-engagement or to seek conferment of temporary status. Now at this belated stage, his case cannot be considered.

5. Respondents submits that after coming to the Court that one Bishan Chand Ramola, a junior to the applicant, who had filed an OA, which has been allowed and he has been

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conferred with temporary status and regularised. So only then applicant has come with the OA.

6. I have considered the contentions of the parties. At the outset, I may mention that admittedly applicant has last worked for a spell of 89 days with the respondents from 5.8.93 to 1.11.93 and thereafter applicant did not make any representation till he was directed by the Tribunal itself to make a representation in his earlier OA-3178/2001. Though counsel for applicant submits that he approached the respondents and they have been assuring him verbally that they will engage him but there is nothing on record to show the same. Applicant has approached the Court only when his junior came to Court and was conferred with temporary status and regularised.

7. The earlier OA was also filed after a gap of 8 years. The present OA is filed after lot of delay and laches. Applicant again asked for the relief now. Since applicant remain silent for a pretty long time, this OA cannot be allowed and the same is dismissed on the ground of delay and laches itself.


(KULDIP SINGH)
Member (J)

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