

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH NEW DELHI

(3)

O.A. NO. 2955/2002

NEW DELHI THIS 13th DAY OF November 2002

HON'BLE SHRI GOVINDAN S. TAMPT, MEMBER (A)

1. Shri Athar Ali  
S/o Late Shri Shoab Ali  
R/o House No. 321-A,  
Bakri Mohalla, Lal Kurti,  
Meerut Cantt. UP

.....Applicant

(By Shri L.K Garg, Advocate)

VERSUS

1. Union of India  
through its Secretary, Ministry of Finance,  
Department of Revenue,  
Central Board of Excise and customs Delhi

2. Commissioner,  
Customs and Central Excise,  
Commissionerate,  
Meerut-T

3. Joint Commissioner (P&V)  
Customs and Central Excise Division,  
Meerut T

4. Deputy Commissioner,  
Customs and Central Excise Division,  
Avas Vikas Colony,  
Circular Road, Muffar Nagar.

.....Respondents

(By None)

ORDER (ORAL)

Applicant in this OA - Athar Ali of Meerut Cantt. UP claims that he had been engaged as a casual labourer @ Rs.35/- per day and thereafter @ Rs. 42.50 per day since July 1977, and had discharged the duties to the satisfaction of his employers. He had worked for 253 days in 98-99 and for 628 days during May 98 to October 2000. He was therefore entitled for grant of temporary status under the DoPT's Scheme dated 10.9.93. Still his services were

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disengaged in November 2000. His OA No. 368/2001 was disposed of on 16.2.2001, with direction to consider his case MA No. 773/2001 in the same OA was disposed of on 4.3.2002, directing that the applicant be permitted to rejoin and that he can be disengaged after notice provided for in the scheme. Applicant's representation had been rejected and temporary status had been denied to him leading to this OA. The applicant states that the respondents were bound to consider his re-engagement and grant of temporary status, as shown in a number of OAs and the present denial was improper. Sh. L. F. Gang, learned counsel for the applicant forcefully reiterated the plea.

2. Having considered the matter, I am convinced that the applicant has no case. What the applicant is seeking is the grant of temporary status in terms of DoPT's scheme dated 10.9.93. The fact however is that the applicant was not in the employment of the respondent on 10.9.93. The fact however is that the applicant was not in the employment of the respondent on 10.9.93, and had been employed by them only in 2002. That being the case, in terms of Hon'ble Supreme Court's order in the case of UOT & Anr. Vs. Mohan Pal and Others [2002 (4) SCALE 216] and Punjab Electricity Board and Anr. Vs. Kuldip Singh [JTM 2002/3) SC 49]. The Scheme was applicable only for those who were position on 10.9.93. That being the case, respondents cannot be directed to re-engage the applicant for grant temporary status.

3. OA 2955, in the circumstances and is accordingly dismissed.

(Govindaraj S. Tampi)  
Meals (AV)

Patwal/