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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 2582/2002

This the 24th day of April, 2003

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

Bablu
S/o Sahenderpal (Safaiwala)
R/o H.No.A-2/125, Sultanpuri,
New Delhi.Applicant
(None)

Versus

1. Union of India through Secretary,
Ministry of Finance,
Department of Revenue,
North Block, New Delhi.
2. Commissioner
Central Excise,
C.R. Building,
I.P. Estate, New Delhi.
3. Assistant Collector,
Central Excise, MOD-V,
A-40, Rajouri Garden,
New Delhi.Respondents

(By Advocate: Sh. R.N.Singh)

O R D E R (ORAL)

None appeared for the applicant despite repeated calls and even yesterday the case was listed but none has appeared on behalf of applicant. So I proceed to decide this case under Rule 16 of CAT (Procedure) Rules.

2. The case of the applicant is that he has been working as Safaikaramchari w.e.f. 6.8.92 and from time to time extension of appointment was made but he was removed from service a year back. Applicant further claims that he has worked for more than 240 days in a year and he is entitled for regularisation. Applicant also claims that he is entitled for grant of temporary status and subsequent regularisation against a regular post.

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3. Notice was issued to the respondents who appeared and contested the OA. Respondents in their reply plead that this OA is barred by principle of res judicata inasmuch as applicant has filed earlier OA No.3226/2001 which was dismissed in limine vide order dated 7.12.2001 (Annexure A-3 to OA). Thereafter applicant filed another OA No.2190/2002 which was also dismissed vide order dated 22.8.2002 (Annexure A-2 to OA). It is further submitted that the present case is nothing but misuse of process of law and the same has to be dismissed.

4. Counsel for respondents pointed out that applicant has been engaged only as a part-time worker and as per DOPT instructions part-time worker cannot be conferred with temporary status. Counsel for respondents has also referred to a judgment Secretary, Ministry of Communications vs, Sakkubai and another 1998 (9) JT 299 wherein Hon'ble Supreme Court has held that a part-time worker is not entitled to be conferred with temporary status.

5. Applicant in his OA has also pleaded that certain juniors to the applicant have been regularised but the same has been specifically denied that no part-time casual worker junior to the applicant has been regularised.

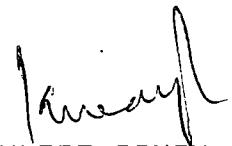
6. I have considered these submissions made by counsel for respondents. As per the plea of res judicata is concerned, I find that this case is squarely hit by principle of res judicata because earlier also in OA No.3226/2001 these issues had already been dealt with and that was dismissed in limine. The second OA on the same pleas could not have been filed. On

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merits too, I find that since there is a specific clarification issued by the DOPT that part-time worker are not entitled for temporary status and as per the judgment of Hon'ble Supreme Court part-time workers are not eligible for conferment of temporary status. Thus, I am of the considered opinion that the applicant who is a part-time worker is not entitled to be conferred with temporary status. Question for extending the benefits of the scheme of DOPT of 10.9.83 does not arise.

7. Looking from all the angles of the OA, I find that OA is bereft of merits and is accordingly dismissed.



(KULDIP SINGH)
Member (J)

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