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Central Administrative Tribunal
Principal Bench

O.A.No.1026/2002

Hon'ble Shri Shanker Raju, Member(J)

New Delhi, this the 29th day of May, 2002

Prabhu Nath
s/o Shri Munni Ram
aged 33 Years, Casual Labourer in
r/o Jhuggi No.53, Rajiv Vihar Camp
Near Y-4, Sanjay Colony Part-2
Okhla Phase-11
New Delhi-110 020.

... Applicant

(By Advocate: Shri Rubinder Pal Ghummana, Trainee
Advocate and Later on Ms. Anu Mehta, learned counsel)

Vs.

1. Union of India through
Secretary
Deptt. of Culture
Shastri Bhawan
New Delhi - 1.

2. Director General
Archaeological Survey of India
Janpath
New Delhi - 110 011.

3. Dy. Superintending Horticulturist
A.S.I. Safdarjung Tomb
New Delhi - 110 003.

... Respondents

(By Advocate: Shri K.R.Sachdeva)

O R D E R (Oral)

By Shanker Raju, M(J):

Heard the parties.

2. Applicant had earlier filed OA 1039/99, which was decided on 4.1.2002, whereby respondents have been directed to consider the applicant's case for accord of temporary status and further regularisation against Group 'D' post, if he is otherwise eligible under the DoPT's Scheme of 1993. In compliance thereof, by an order dated 1.4.2002 respondents have stated that they have conferred

temporary status and is posted to Bhatinda Fort Garden, Bhatinda. This order has been impugned in the present OA.

3. Learned counsel for respondents states that OA is rendered infructuous as the order passed on 1.4.2002 since been cancelled vide memo dated 23.2.2002 and the applicant has been retained at Delhi. In so far as temporary status is concerned, it is stated that in pursuance of the directions of this Tribunal in OA 1039/99 the case of the applicant for temporary status is to be finalised within four weeks in accordance with law.

4. At this stage, Ms. Anu Mehta, learned counsel for applicant appeared and objected to dispose of this case by stating that the same is fixed for completion of pleadings and be listed before the Court of Joint Registrar. It is also stated that the fate of the applicant should not be left at the mercy of the respondents. It is further stated that it has been a finding of the Chairman, National Commission of SC/ST regarding working of the applicant by 247 days w.e.f. 1.9.1992 to 10.9.1993. Once the respondents have accorded the temporary status, the same would not be cancelled.

5. I have carefully considered the rival contentions of the parties and the objections placed by the learned counsel for applicant. In my considered view, which is supported by rules in law, this matter can be disposed of at this stage as the respondents have already cancelled the order of

transfer of the applicant. In so far as this relief is concerned the application has become infructuous. For the second part of the relief seeking temporary status, the respondents have cancelled and fairly stated at Bar that they are considering the case of the applicant having regard to the directions of this Court in OA No.1039/99 and would do needful within four weeks from the date of receipt of a copy of this order.

6. Having regard to the aforesaid contentions, the OA is disposed of at the admission stage itself, with directions to the respondents to consider the case of the applicant for accord of temporary status and in this resort they should also keep in mind the working days of 247, being certified by the Chairman, National Commission of SC/ST, from 1.9.1992 to 10.9.1993. However, this is subject to the provisions of the DoPT's Scheme of 1993. The aforesaid directions shall be complied with within a period of four weeks from the date of receipt of a copy of this order. No costs.

S. Raju
(Shanker Raju)
Member(J)

/rao/