

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 802/2002

New Delhi this the 12th day of September, 2002

Hon'ble Shri Govindan S.Tampi. Member (A)

Vishnu Das S/o Sh.Upender Das,
R/o H.No.702, Aliganj,
Lodhi Road, New Delhi.

..Applicant

(By Advocate Shri M.K.Bhardwaj)

VERSUS

Union of India and Others
Through

1. Secretary,
Ministry of Agriculture,
Krishi Bhawan, New Delhi.
2. Member Secretary,
Commission for Agriculture Cost
and Prices, Krishi Bhawan, New Delhi.
3. Administrative Officer,
C.A.C.P., Ministry of
Agriculture, Shastri Bhawan,
New Delhi.

..Respondents

(By Advocate Shri Rajiv Bansal)

O R D E R (ORAL)

(Hon'ble Shri Govindan S.Tampi, Member (A))

Heard both learned counsel - Shri M.K.Bhardwaj for the applicant and Shri Rajeev Bansal for the respondents.

2. Applicant is aggrieved by the impugned order passed by the respondents, denying him the benefit of temporary status and regularisation as he had not completed the requisite period of 206 days in a year in terms of DOPT's Scheme dated 10.9.1993. The applicant had worked with the respondents for the requisite period and have acquitted himself well but as the grant of temporary status was not coming forth, he filed OA No.1343/2001, which was disposed of by the Tribunal on 23.10.2001 with directions to consider his case for grant of temporary

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status/regularisation. The same has after consideration^{also} been declined by the respondents as the applicant had not completed the period of 206 days. According to the applicant, the computation of the days he had worked, was incorrectly done by the respondents, to deny him the benefit of the Scheme. In any reckoning, it would be ^{seen} ~~in~~ ^{that} he had completed the period of 206 days during the period February, 2000 to January, 2001 and therefore his case deserved to be allowed, a plea forcefully reiterated by Shri M.K. Bhardwaj, learned counsel for the applicant. He has also relied upon the decision of the Hon'ble Supreme Court in Gujrat Agriculture University Vs. Rathod Labhu Bector and Ors. (2001 Vol 1 Scale) and State of Haryana Vs. Pyara Singh and Ors (1992(4)SCC 118). He should also get reengagement in preference to his juniors in his plea.

3. On behalf of the respondents, it is argued^e by Shri Rajeev Bansal that the applicant has no case on facts, as it was found that he had not completed the requisite period in terms of DOPT's Scheme dated 10.9.1993. He had worked only for 132 days in 1999, 163 days in 2000 and 94 days in 2001. Even otherwise, the ^{settled} position has totally undergone a change with the decision of the Hon'ble Supreme Court in the case of UOI Vs. Mohan pal as well as Punjab State Electricity Board and Anr. Vs. Wazir Singh (JT 2002 (3)SC 49) and the applicant case was no longer valid. OA, therefore, deserved rejection, according to him.

4. On careful consideration of the facts of the case and the law on the subject, I am convinced that the applicant has no case in law. Law has been settled by the Full Bench decision of the Hon'ble Supreme Court in Punjab State Electricity Board and Anr. Vs. Wazir Singh (supra) on

11.3.2002 and thereafter in Mohan P. Al and Anr. Vs. UOI & Ors that the benefits of temporary status and /or regularisation under the scheme would be applicable only to those who were in position on the day when the Scheme was formulated. As the applicant in this case was not working on 10.9.1993 as a casual worker, the benefit of the Scheme for grant of temporary status/regularisation under the Scheme was not available to him. Reliance placed by him on a few decisions referred to would not come to the assistance of the applicant in view of the latest pronouncement by the Full Bench of the Hon'ble Apex Court. His case, therefore, has to fail at the same time if the respondents choose to engage him again on the availability of vacancies, they could keep in mind his previous experience and record.

5. In the above view of the matter OA fails and is accordingly dismissed. The order would not, however, preclude the respondents from considering the case of the applicant for re-engagement, if they so desire in accordance with instructions subject to availability of work and keeping in mind his experience.

6. The decision was pronounced in the open Court at the conclusion of oral submissions.

(Govindan S. Tampi)
Member (A)

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