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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No. 1217/2001

New Delhi, this the 14th day of the May, 2001.

HON'BLE MR. S.A.T.RIZVI, MEMBER (A)

Roshal Lal, S/o Shri Rama,
R/o O-334, Sewa Nagar,
New Delhi Applicant
(By Advocate : Shri V. Sreedhar Reddy)

V E R S U S

Union of India through

1. The Principal Chief Controller
of Accounts,
Ministry of Law, Justice & Company Affairs,
Lok Nayak Bhavan (III Floor)
C-Wing, Khan Market,
New Delhi
2. Senior Accounts Officer,
Ministry of Law, Justice & Company
Affairs (III Floor)
C-Wing, Lok Nayak Bhavan,
Khan Market,
New Delhi Respondents
(By Advocate: None)

O R D E R (ORAL)

By S.A.T. RIZVI, MEMBER(A) :

Heard the learned counsel at some length.

2. The applicant was engaged as a casual labour with effect from 24.11.1997 and continued as such till December 14, 1999, giving rise to a total number of 519 days of working on casual basis. In the process, the applicant has completed more than 240 days of working in the calender year 1999, and had thus become entitled for the grant of temporary status in accordance with the DOP&T's Scheme of September, 1993. On termination of his services in December 1999, he approached this Tribunal in OA No. 139/2000. The Tribunal by its order dated 8.5.2001

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had issued directions to the respondents in that OA in the following term:-

"(i) The respondents are directed to verify their records regarding the claim of the applicant about his services with them as a casual labourer from 24.11.97 to 14.12.99. In case, the applicant fulfils the terms and conditions of the DOPT Scheme dated 10.9.1993, the respondents shall grant him the due benefits as contained therein, including the grant of temporary status;

(ii) Having regard to the applicant's past service with the respondents and subject to his fulfilment of the terms and conditions laid down in the aforesaid Scheme, the respondents shall re-engage the applicant in preference to juniors and outsiders, immediately, in case, they have work of nature, he was doing previously."

3. Non compliance of the aforesaid orders was made the subject matter of a Contempt Petition, being CP No.243/2000. In the order passed in the said Contempt Petition, the Tribunal has observed that the respondents had after considertion as directed decided not to accord various benefits to the applicant in accordance with the DOP&T's aforesaid Scheme and went on to hold that in the circumstances, non-grant of temporary status could not be agitated through a Contempt Petition. The question was, therefore, left open to be pursued separately by the applicant. Further on being given to understand that the applicant had been re-engaged from 7.8.2000, the Tribunal proceeded to dismiss the Contempt Petition. A Review Application was thereafter filed, which too was rejected. The matter was thereafter taken to the High Court. The Petition filed before the High Court was dismissed as withdrawn with the following observation:-

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Sir, Sir, Sir only

"The Tribunal has clearly stated in paragraph 6 that the respondents have re-engaged the petitioner w.e.f. 7th August, 2000 and he continues as such. Therefore, the directions of the Court have been complied with by the respondents. However, the learned counsel for the petitioner has contended that after re-engagement on 7th August, 2000 the respondents have again discharged the petitioner in December, 2000. This fact does not seem to be within the knowledge of the Tribunal as it creates a fresh cause of action and the petitioner is entitled to file a substantive petition impugning the action of the respondents in this regard."

(emphasis supplied)

The present OA has been filed in pursuance of the aforesaid observation made by the High Court.

4. The learned counsel has submitted that as many as 3 persons junior to the applicant are still working while the applicant has been thrown out by a verbal order referred to in the orders passed by the High Court. No documents have been placed on record to show that the aforesaid three persons are in fact junior to the applicant.

5. In the facts and circumstances of this case, I am inclined to take the view that ends of justice will be adequately met by disposing of this OA at this very stage even without issuing notices by directing the respondents to consider the claim of the applicant for the grant of temporary status in accordance with the DOP&T's Scheme dated 10.9.1993 and to pass a reasoned and a speaking order in that regard. The respondents are directed accordingly. They are also directed to re-engage

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the applicant if his juniors have actually been working after the applicant's services were terminated in December, 2000. Alternatively the claim of the applicant for re-engagement should be considered in accordance with his seniority as and when work of a casual nature becomes available in the respondents' set up, in preference over his juniors, freshers and outsiders.

6. The OA is disposed of in the aforesated terms.

7. Registry is directed to send a copy of the OA along with this order.


(S.A.T. RIZVI)
MEMBER (A)

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