

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH NEW DELHI

O.A. NO. 1309/2001

NEW DELHI THIS 22ND DAY OF MARCH 2002

HON'BLE SHRI GOVINDAN S. TAMPI; MEMBER (A)

Gagan Kumar S/O Raj Kumar,
W-Z, 559, Naraina Gaon,
New Delhi - 110028.

.....Applicant

(By Shri H.C. Sharma, Advocate)

VERSUS

Union of India through
Under Secretary,
Min. of Civil Supply & Consumer Affairs,
Department of Consumer Affairs,
Krishi Bhawan, New Delhi

.....Respondent

(By Shri H.K. Gangwani, Advocate)

O R D E R (ORAL)

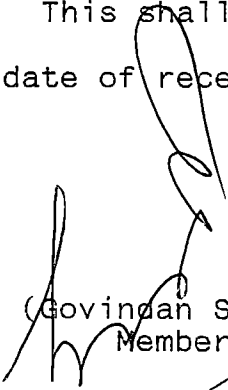
In this OA, the challenge is directed against the disengagement of a Casual worker, inspite of his having become entitled for grant of temporary status.

2. Sh. H C Sharma, learned counsel for the applicant points out that the applicant who belongs to Balmiki sect had been engaged as a casual labour for quite some time, had been disengaged by verbal orders on 31.12.2000, though he had completed the requisite period of service for grant of temporary status and his case is clearly covered by DoPT's Scheme of 10.9.93. On the other hand it is pointed out by Sh. H K Gangwani, learned Sr. Counsel for the respondents that DoPT's Scheme of 10.9.93, is applicable only to those who were in service on that

date and that except for 1998, in none of years the applicant had complete the requisite period of 206 days. His case therefore could not be considered .

3. Having considered the matter, I am convinced that the applicant has a case. Law as it stands now and settled by the Tribunal as well as the Hon'ble Delhi High Court is that the DoPT Scheme of September 93, is not an one term measure and that it is an on-going scheme. (OA No. 1446/98 filed by Rampal & Others, allowed by the Tribunal on 1.12.98) and in this case the respondent themselves concede that the applicant had more than 206 days in 1998 . That being the case he was entitled for grant of temporary status and it could not have been denied in law.

4. In the result, OA succeeds and is allowed. Respondents are directed to accord to the applicant, temporary status from 1998, when he completed 206 days and grant him consequential benefits, including the minimum of the appropriate scale as his emoluments and consider his case for regularisation, in turn and in accordance with relevant instructions on the subject. This shall be done within two months from the date of receipt of a copy of this order. No costs.


(Govindan S. Tampi)
Member (A).

Patwal/