

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 1507/2001
MA NO. 1287/2001

New Delhi, this the 30th day of October, 2001

HON'BLE SH. SHANKER RAJU, MEMBER (J)

In the matter of:

1. Laxmi Devi
W/o Lt. Sh. Leelu Ra,
R/o H.No.121, Badurpur,
New Delhi.
2. Shyam Lal
S/o Sh. Nanak Chand,
R/o H.No.220, I-Block,,
Mangol Puri,
Delhi-110083.
3. Prem Dass
S/o Sh. Shyam Lal,
R/o Jawhar Camp,
Raj Nagar, S-262/4,
Block A-1,
Safdarjung Enclave,
New Delhi-110029.
4. Yogender Singh
S/o Sh. Jagan Singh,
R/o D-4/34, Sangam Vihar,
New Delhi.
5. Shiv Kumar
S/o Sh. Daya Chand Kaushik,
R/o Vill. & P.O. Dhansa,
New Delhi-110073.
6. Shekhar Chander
S/o Sh. Pandey,
R/o A-7/3,
West Vinod Nagar,
Delhi-110092.
7. Arun Kumar
S/o Sh. Kanwar Pal,
R/o P-82, Sector IV,
Pushp Vihar,
Delhi.
8. Bhupender Singh
S/o Mahaveer Singh,
R/o 463-3/A, Mandir Wali
Gali, Dhobi Moholla,
Azadpur,
Delhi.
9. Mohan Babu
S/o Lt. Sh. Bachu Ram,
R/o B-152, Pandey Nagar,
New Delhi-110008.

10. Chander Prakash
S/o Sh. Prem Raj Singh,
R/o H.No. E-700,
Sanjay Gandhi Memorial Nagar,
Faridabad-121001.
11. Hem Chander
S/o Sh. Kishan Lal,
R/o Vill. Neelwal,
PO Tikri Kala,
New Delhi-110041.
12. Sanjay Singh
S/o Sh. Preetam Singh,
R/o L-190, Dakshin Puri,
New Delhi.
13. Hari Mohan
S/o Sh. Ram Kumar,
R/o H.No. 1186/18 Arya
Nagar, Basti Pura,
(near Vishya Girls College
Rohtak (Haryana).
14. Jitender Kumar,
S/o Sh. Dal Chand,
R/o 431-B, Naya Khand-I
Indira Puram Gaziabad,
(U.P.) Ph.91-4606475.
15. Anita
W/o Sh. Kishore,
R/o Kucha Sohan Lal,
3047, Sita Ram Bazar,
New Delhi.
16. Nand Lal
S/o Sh. Ram Nihar,
R/o C/o Narender Singh,
H.No.C-142, Vandna Vihar,
New Delhi-110041.

...Applicants.

(By Advocate: Mrs. Asha Jain Madan)

Versus

1. Union of India,
Ministry of Commerce and Industry,
(Department of Commerce)
Office of the Director General of Foreign Trade,
Udyog Bhawan, New Delhi-11.
Through the Director General of Foreign Trade.
2. Zonal Joint Director General of Foreign Trade,
(CLA) B.K. Roy Court, 6-7, Asaf Ali Road,
New Delhi.
3. Joint Director General of Foreign Trade,
(CLA) B.K. Roy Court, 6-7, Asaf Ali Road,
New Delhi. Ms. Harvinder Oberoi)

...Respondents

O R D E R (ORAL)

By Sh. Shanker Raju, Member (J)

Heard counsel for both the parties.

2. MA for joining together is allowed.

3. The applicants, who had been admittedly working as a casual labour having completed requisite 240 days having office of the respondents 6 days a week, have sought for accord of temporary status and other consequential benefits. Learned counsel for the applicants referring communication of the respondents wherein it has been observed that the applicants have worked continuously for 4 to 5 years in the organisation and the letter issued from internal noting clearly indicate that the applicants have rendered a continuous service of at least one year and have worked for 240 days are entitled to accord temporary status. In this view of the matter it is stated that as the Hon'ble Apex Court by affirming the decision of the Tribunal in Sarju K. Prasad Vs. Union of India has observed that the Scheme of DOPT dated 10.9.93 is ongoing. The claim of the applicant is legal, sustainable and amenable as per the criteria laid-down under DOPT Scheme of 10.9.93. They are to be accorded temporary status and other consequential benefits.

4. On the other hand, rebutting the contentions of the applicant the learned counsel for the respondents stated that the conduct of the applicant is not worthy as they have annexed the copies of the internal noting and the case of the applicants has already been referred to the DOPT for their advice for according of temporary status. In view of their own decision to accord them temporary status their case would also be considered for regularisation under the DOPT Scheme of 1993.

5. Having regard to the rival contentions of the parties and perusal of the record and also having regard to the fact that the eligibility of the applicant for accord of temporary status is not in dispute as they have already rendered service of 240 days. The impediment of the Scheme being applicable to a person in service on 10.9.93 have no application in view of the Apex Court in Sarju Prasad (supra) where the Scheme observed to be ongoing applicants claim for accord of temporary status is perfectly legal & valid. The present OA is allowed. Respondents are directed to consider the applicants for conferring them temporary status and further consequential benefits as envisaged under the Scheme of DOPT of 1993 and having regard to the fact that they have already rendered 240 days service in a year as admitted by them. The aforesaid exercise shall be completed by the respondents within a period of 3 months from the date of receipt of a copy of this order. As the respondents have availability of work and the applicants are continuing they may be allowed to continue till they are accorded temporary status.

S. Raju

(SHANKER RAJU)
Member (J)

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