

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.1755/2001

New Delhi this the 3rd day of June, 2002.

HON'BLE MR. SHANKER RAJU, MEMBER (JUDICIAL)

Mukesh S/o Sh. Ram Charan,
R/o Lady Harding Staff Quarters,
Qtr. No.90, Block No.12,
New Delhi-110001.

-Applicant

(By Advocate Shri U. Srivastava)

-Versus-

Govt. of N.C.T. of Delhi through:

1. The Secretary,
No.5, Sham Nath Marg,
New Delhi.
2. The Principal & Medical Superintendent,
Lady Harding Medical College
and Smt. Sucheta Kripalani Hospital,
New Delhi.

-Respondents

(By Advocate Mrs. Avinash Kaur)

O R D E R (ORAL)

By Mr. Shanker Raju, Member (J):

Heard the parties. It is not disputed that the applicant was working as a casual labourer and was conferred temporary status by the respondents by their letter dated 23.6.94. Applicant who has been dis-engaged in the past, has approached this court and as a consequence thereof he was re-engaged. Applicant in this OA assails inaction on the part of the respondents by not according him consequential benefits in pursuance of grant of temporary status to him. It is also stated that he has been denied CCA, DA, HRA since October, 1997.

2. Applicant after conferment of temporary status was dis-engaged made a request to the respondents through various representations. His services have been dis-engaged in the year 1997. He preferred OA-885/99, which has been disposed of by an order dated 8.2.2001,



directing the respondents to re-engage him. Respondents in pursuance thereof, re-engaged the applicant and he is still continuing.

3. It is contended by the learned counsel for the applicant that now the stand taken by the respondents that applicant is to be conferred temporary status w.e.f. 10.1.2002 and the previous temporary status conferred upon him has been disputed is against their own letter dated 23.6.94. In this view of the matter it is stated that even as per the Scheme of DOP&T if the temporary status has been conferred upon the casual labourer he is entitled for all the consequential benefits as are provided under the Scheme. Respondents have now accorded these benefits to him, having acted in accordance with the guidelines.

4. On the other hand, learned counsel for the respondents placing reliance on a not of DOP&T dated 5.3.98 stated that the Scheme of Grant of Temporary Status is one time affair and would be applicable to only those casual labourers who were in service on the date of the notification. It is further stated that on unsatisfactory performance applicant was terminated twice and in pursuance of the directions of this court dated 8.2.2000 applicant has been accorded temporary status with all consequential benefits w.e.f. 10.1.2002. As regards regularisation it is stated that, that would depend upon availability of vacancies in the particular quota for casual labourers under the Scheme. It is the stand of the respondents that when the applicant was re-engaged second time in pursuance of the directions of this Court he was not enjoying temporary status.

5. I have carefully considered the rival contentions of the parties and perused the material on record. In my considered view the stand of the respondents that when the applicant was re-engaged on 2.3.2000 he was not enjoying temporary status is not correct. Applicant who had already been accorded temporary status by the respondents on 23.6.94 and the same has not been disputed by the respondents in OA-885/99 wherein Court has specifically recorded a finding that applicant has already been conferred temporary status. In this view of the matter conferment of temporary status to the applicant second time has no rational or logic and he is entitled for being accorded all the consequential benefits pertaining to the temporary status from the date of conferment of the same and in pursuance of his re-engagement in the year 2000.

6. In the result and having regard to the reasons recorded above, OA is allowed. The respondents are directed to treat the applicant as having accorded temporary status in the year 1994 and in pursuance of his re-engagement and continuance he may be accorded all the consequential benefits, as admissible to him, under the Scheme of DOP&T of 1993, within a period of three months from the date of receipt of a copy of this order. No costs.

S. Raju

(Shanker Raju)
Member (J)

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