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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

O.A.NO.2197/2001

Tuesday, this the 27th day of November, 2001

Hon'ble Shri S.A.T. Rizvi, Member (Admn)

1. Budh Sain, S/O Hari Das  
R/O E-275, East Kidwai Nagar,  
New Delhi-23.

2. Sunil Kumar Das

3. Shankar Prasad Mohanty

4. Joginder Singh

5. Kuldeep Singh

6. Anil Kumar

7. Atin Sharma,

8. Pushkar Singh

All C/O Budh Sain, S/O Hari Das  
R/O E-275, East Kidwai Nagar  
New Delhi-23

..Applicants

(By Advocate: Dr. Surat Singh)

Versus

1. Union of India through the Secretary  
Ministry of Finance, Department of Revenue  
New Delhi

2. The Registrar  
Customs, Excise & Gold (Control)  
Appellate Tribunal, West Block-2,  
R.K.Puram, New Delhi

..Respondents

(By Advocate: Shri C. Hari Shankar)

O R D E R (ORAL)

Heard the learned counsel on either side.

2. Temporary status conferred on the applicants, 8 in number, in terms of the DOPT's OM dated 10.9.1993 has been withdrawn by a subsequent order dated 23.8.2001 passed by the respondents. Hence this OA.

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3. The learned counsel appearing on behalf of the applicants submits that the impugned order has been passed by taking the ground that the scheme envisaged in DOPT's OM in question is a one time concession and that the arrangement contemplated in the aforesaid OM is not an on going arrangement. In OA-2158/99 decided by this Tribunal on 9.2.2000, it has already been held that the aforesaid scheme is an on going scheme and has to be applied even to those who were employed as casual worker after 1993. The learned counsel also submits that the same view has been upheld by the High Court of Delhi in Mohan Pal Versus Union of India & Ors. (CWP-963/98) decided on 22.9.1999, and the SLP filed on behalf of the respondents in that petition has also been dismissed by the Hon'ble Supreme Court. Thus, the judicial view that the aforesaid scheme is an on going scheme holds the field.

4. I have considered the aforesaid submissions and have no hesitation in quashing and setting aside the impugned order dated 23.8.2001. The temporary status earlier conferred on the applicants will be restored with all consequential benefits. There shall be no order as to costs.

  
(S.A.T. Rizvi)  
Member (A)

/sunil/