

5

Central Administrative Tribunal
Principal Bench

O.A. No. 2198 of 2001
M.A. No. 1832 of 2001

New Delhi, dated this the 6th December, 2001

Hon'ble Mr. Govindan S. Tampi, Member (A)

S/Shri

1. Dinesh Kumar,
S/o Shri Lakshmi Chand
2. Kanwar Pal,
S/o Shri Kubari Mal
3. Sahab Singh,
S/o Shri Hari Prasad
4. Hari Kishan,
S/o Shri Kali Prasad
5. Ram Kumar,
S/o Shri Rajender Prasad
6. Ajay Singh,
S/o Shri Narayan Singh
7. B. Prasad,
S/o Shri Jawahar Saha Prasad
8. Ashok
S/o late Shri Ramji Lal .. Applicants

(By Advocate: Shri U. Srivastava)

Versus

Union of India through

1. the Secretary,
Ministry of Finance,
North Block, New Delhi.
2. The Chairman,
Board for Industrial & Financial
Reconstruction,
Ministry of Finance,
Jawahar Vyapar Bhawan,
1, Tolstoy Marg, New Delhi.
3. The Under Secretary,
BIFR, Jawahar Vyapar Bhawan,
1, Tolstoy Marg,
New Delhi. ... Respondents

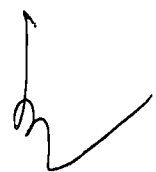
(None present)

ORDER (Oral)Mr. Govindan S. Tampi, M (A)

Heard Shri U. Srivastava, Id. counsel for applicant. None appeared for respondents. In view of the above I propose to dispose of this O.A. in terms of Rule 15, CAT (Procedure) Rules.

2. All the eight applicants in this case, according to Shri Srivastava, learned counsel fulfils the stipulated terms and conditions for grant of temporary status and regularisation in accordance with the relevant rules and instructions but have, however, been denied the same on the wrong interpretation adopted by the respondents that the Scheme formulated under DOPT's O.M. dated 10.9.1993 was an one time measure, which was not correct. Shri Srivastava also refers to decisions of the Tribunal, High Court as well as Supreme Court in support of his case.

3. I have carefully considered the matter. While the applicants seek grant of temporary status and regularisation, the respondents are denying it, as in their view, the Scheme adopted by DOPT, vide its O.M. dated 10.9.1993 was only a one time measure and would not be applicable in the case of applicants. On the other hand, it has been held by this Tribunal, duly endorsed by the Hon'ble High Court as well as the Hon'ble Supreme Courts in a



catena of judgments/orders that the Scheme profounded by the Dept. of Personnel on 10.9.1993 is not a one time measure but an ongoing scheme. The applicants are, therefore, entitled to the benefit of the above findings.

4. In the result, O.A. succeeds and is allowed. Respondents are directed to consider the case of applicants for grant of temporary status and regularisation in terms of the instructions on the subject. Necessary orders in this regard should be issued within three months from the date of receipt of a copy of this order. No costs.

(Govindan S. Tampi)
Member (A)

/GK/