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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.3178/2001

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

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

Jawahar Lal,
S/o Sh. Shambhu Prasad,
R/o RZ-11, Madanpuri,
West Sagarpuri,
New Delhi-110046.

-Applicant

(By Advocate Shri M.K. Gupta)

-Versus-

1. Union of India through
the Secretary,
Ministry of Defence,
South Block,
New Delhi-110001.

2. The Director General Ordnance Service,
Master General of Ordnance Branch,
DHQ, PO,
New Delhi-110011.

3. The Commandant,
Central Vehicle Depot,
Delhi Cantt, Delhi-110010.

-Respondents

(By Advocate Ms. Rinchen Ongmu Bhutia)

O R D E R (ORAL)

By Mr. Shanker Raju, Member (J):

Heard the parties. Applicant, who is a casual labour, having engaged as a cook, stakes his claim for being accorded temporary status on the strength that he has worked for more than 240 days w.e.f. 14.8.92 to 4.8.93, however, with some artificial breaks. It is contended that, as on 1.9.93, he was in service and his juniors have been suo moto accorded temporary status following the directions of this Court in OA-2535/97 decided on 4.6.98, whereas he has been meted out a differential treatment, which is violative of Articles 14 and 16 of the Constitution of India, to which no limitation applies. In this view of the matter it is stated that it is obligatory

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upon the respondents to suo moto accord temporary status upon the applicant, if he has completed the requisite number of days of service.

2. On the other hand, respondents' counsel by referring to the decision in OA-918/96 decided on 28.5.97 contended that limitation applies even to a casual labour seeking temporary status. As no representation has been made by the applicant since his last engagement, it appears that he has slept over his right and not interested in pursuing his remedy in accordance with law.

3. Having regard to the rival contentions of the parties, I am of the considered view that applicant's contention that having worked for 240 days and in engagement on 1.9.93 has not been denied by the respondents in their reply. However, as far as limitation is concerned, I find that juniors of the applicants in pursuance of a decision of this Court in OA-2535/97 have already been accorded temporary status in the year 1998, without going into the merits of the case, as the applicant has not preferred any representation, the present OA is disposed of with a direction to the applicant to make a representation to the respondents, within a period of two weeks from the date of receipt of a copy of this order, which shall be considered by the respondents, having regard to the observations made above, by passing a detailed and speaking order, within a period of one month thereafter. No costs.

S. Raju

(Shanker Raju)
Member (J)

'San.'

Slu No. 22

(8)

12.8.2002

MA NO. 1711/2002

in
CA NO. 3178/2001

Present:- Sh. Mukesh Kumar Gupta, Counsel for applicant
Sh. Ms. Rinchen Ongmu, Counsel for respondent.

MA No. 1711/2002 has been filed by the respondent seeking time for implementation of orders, on which Sh. Gupta has no objection. M.A. is allowed and one month's time granted ^{to the respondent} for implementation of orders passed.

(Norindan S. Pampi)
Member (A)

Patwa