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CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

O.A.NO.635/2001

Wednesday, this the 21st day of November, 2001

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

Shri Uday Bir  
S/O Shri Shankar Lal  
Resident of Jhuggi No.31/97  
Kali Bari Marg, Gole Market  
New Delhi

..Applicant

(By Advocate: Shri M.L.Chawla)

Versus

Union of India through

1. Secretary  
Ministry of Defence  
Govt. of India
2. Jt. Secretary and Chief Administration Officer  
(Training)  
Ministry of Defence, Govt. of India  
South Block, New Delhi-11.
3. S.A.O. (Admn)  
O/O Controller of Defence Accounts  
(CDA Headquarters)  
G-Block,  
New Delhi

..Respondents

(By Advocate: Shri Rajeev Kr. for Shri M.M.Sudan)

O R D E R (ORAL)

Heard the learned counsel on either side.

2. The applicant, who started as a part time casual labourer in the employ of the respondent No.3 from 6.12.1990, became a casual labourer on full time basis w.e.f. 26.6.1996. This fact is admitted by the parties. He has been working ever since continuously on full time basis. However, temporary status has not been conferred on him despite the provisions made in the DOPT's Scheme dated 10.9.1993.

3. The learned proxy counsel appearing on behalf of the respondents, by relying on Kaushalya Thakur Vs. Union

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(2)

of India & Ors. reported as 2000 (1) SLJ (CAT) 269, submits that the aforesaid (DOPT's) OM dated 10.9.1993 is to be looked upon as a one time measure and accordingly temporary status cannot be conferred on the applicant as he became a full time casual labourer only from 26.6.1996. The aforesaid judgement has since been superseded by several judgements rendered by this very Tribunal holding that the aforesaid Scheme of 10.9.1993 is an on-going scheme and must find application in all cases in which the various stipulations made in the scheme are fulfilled. It is thus beyond doubt that the applicant's case is covered by the aforesaid Scheme. He should, therefore, have been granted temporary status soon after completing 206 days of service as full time casual labourer.

4. In the aforesaid circumstances, the present OA is allowed with a direction to the respondents to consider the claim of the applicant for grant of temporary status and to decide the matter expeditiously and in any event within a period of one month from the date of receipt of a copy of this order. The applicant has admittedly been considered for regularisation on three different occasions in the past, but could not be selected. There is no bar to his case being considered again in future. Accordingly, the respondents will consider the applicant's claim for regularisation after conferment of temporary status and this will also be done within the same period of one month. Once temporary status has been conferred and the applicant has been regularised on being found fit according to the rules and instructions, all the consequential benefits will flow to him in terms of the

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aforesaid Scheme of 10.9.1993 and the other relevant rules and instructions.

5. The present OA is allowed in the aforestated terms. No costs.



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

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