

Central Administrative Tribunal
Principal Bench

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C.P. No. 498/2002
IN
O.A. No. 635/2001

New Delhi this the 30th day of January, 2003

Hon'ble Shri V.K. Majotra, Member (A)

Hon'ble Shri Kuldip Singh, Member (J)

Shri Uadibir
S/o Shri Shanker Lal
R/o Jhuggi No.31/97
Kali Bari Marg, Gole Market,
New Delhi.

-Applicant

(By Advocate: Shri M.L. Chawla)

Versus

Shri G.C. Bhandari
C.G.D.A.
Office of the Controller General
of Defence Accounts
West Block-V, R.K. Puram
New Delhi-110066.

-Respondent

(By Advocate: Shri M.M. Sudan)

ORDER (Oral)

Hon'ble Shri V.K. Majotra, Member (A)

Heard the learned counsel of both sides.

2. OA-635/2001 was disposed of vide order dated 21.11.2001 with the following observations/directions:-

"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



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


The present OA is allowed in the aforesaid terms. No costs".

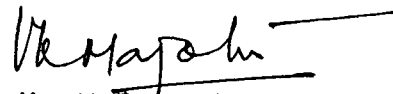
3. Learned counsel of the applicant stated that respondents have neither accorded temporary status to the applicant nor regularised his services on the ground that Hon'ble Supreme Court in the matter of Union of India & Ors. Vs. Mohan Pal etc., etc. 2002 (1) SCSLJ 464 has held that Casual Labour (Grant of Temporary Status & Regularisation) Scheme, 1993 is not an on going Scheme. Learned counsel stated that the judgment of the Hon'ble Supreme Court will have only prospective effect and not retrospective effect. He further stated that this Tribunal had given clear directions to the respondents vide order dated 21.11.2002 that respondents should accord regularisation favouring the applicant.

4. On the other hand, learned counsel of respondents stated that court had directed the respondents to consider the claim of the applicant for grant of temporary status. Respondents have duly considered the claim of the applicant but as the said Scheme was only a one time dispensation and applicant was not in service as casual labourer on the crucial date of 10.9.93, respondents decided that he was not eligible for grant of temporary status and as such his services were not regularised.



5. We have carefully gone through Tribunal's order dated 21.11.2001 as well as the judgment in the case of **Mohan Pal**(supra). The applicant was initially serving with the respondents on a part time basis and was engaged on a full time basis only w.e.f. 26.6.96. Obviously, he was not working on full time basis as a casual labourer with the respondents on ^{the} a crucial date on 10.9.1993. The court had directed the respondents to consider the claim of the applicant for grant of temporary status. Court had not directed the respondents to grant the temporary status to the applicant. The next direction to the respondents was that in case the temporary status was conferred on the applicant then his claim for regularisation could have been considered. Even if it is accepted that the ratio in the case of Mohan Pal (supra) is applicable prospectively, the direction of this court was not to accord temporary status to the applicant but only to consider applicant's claim for grant of temporary status and as the respondents have not accorded temporary status after considering the claim of the applicant, the question of considering applicant's claim for regularisation does not arise as the condition of conferment of temporary status had been imposed in the court's direction itself. In the above back drop, we are not convinced that respondents have committed contempt of court as such. The CP is dropped and notices to respondents are discharged.


(Kuldip Singh)
Member (J)


(V.K. Majotra)
Member (A)

cc.