

Central Administrative Tribunal
Principal Bench

O.A. 1189/1999

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New Delhi this the 4th day of December, 2000

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

Vasudev Prasad,
S/o Shri Gyan Chand,
R/o E-29, Officers Colony,
Delhi Road,
Saharanpur.

... Applicant.

(By Advocate Shri S.K. Gupta)

Versus

1. Union of India, through
Secretary,
Ministry of Finance,
North Block, New Delhi.
 2. Commissioner,
Income Tax,
Income Tax Office,
Meerut.
 3. Deputy Commissioner of Income Tax,
Office of the Deputy Commissioner
of Income Tax (Administration),
Saharanpur.
- ... Respondents.

(By Advocate Shri V.P. Uppal)

O R D E R (ORAL)

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

The main claim of the applicant in the present O.A. is for a direction to the respondents to grant "Temporary Status" to him, in terms of the Govt. of India, DOP&T Scheme, entitled "Casual Labourers (Grant of Temporary Status and Regularisation) Scheme of Govt. of India, 1993" dated 10.9.1993.

2. Shri S.K. Gupta, learned counsel for the applicant, has submitted three letters issued by the respondents, copies placed on record. In the first letter dated 25.7.2000 which is a letter addressed to

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Shri V.P. Uppal, learned counsel for the respondents, they have confirmed that the applicant has been granted "Temporary Status" by the competent authority by order dated 29.12.1999 and Corrigendum dated 30.12.1999 w.e.f. 13.10.1999. In the order dated 29.12.1999, it is noted that the respondents themselves have stated that in terms of the DOP&T O.M. dated 10.9.1993, the applicant whose name appears at Serial No. 20, has completed 206 days as casual worker and the "Temporary Status" is conferred on the casual workers with effect from the dates mentioned against their names. Shri S.K. Gupta, learned counsel states that this order is in accordance with the DOP&T Scheme which has conferred "Temporary Status" on the applicant w.e.f. 31.7.1993. He, however, submits that the subsequent Corrigendum order dated 30.12.1999 changing the date of "Temporary Status" as 13.10.1999 is not so. Shri V.P. Uppal, learned counsel has sought adjournment to get further instructions from the respondents to explain as to how the date of 13.10.1999 has been picked up by the respondents.

3. From the documents placed on record and referred to above, it is clear that the respondents themselves have admitted that the applicant has completed 206 days as casual worker and had initially granted him "Temporary Status" with effect from that date, in terms of the DOP&T Scheme dated 10.9.1993. The significance of the date from which temporary status has been later altered to 13.10.1999 is not apparent and does not also appear to be in terms of the DOP&T Scheme.

Hence, there appears to be no reason why the respondents should not grant "Temporary Status" to the applicant w.e.f. 31.7.1993, that is the date on which he has completed 206 days as casual worker which is the term applicable to the applicant, and not 240 days, which is also another condition prescribed in the Scheme in respect of Administrative offices observing six days week.

4. In the facts and circumstances of the case, taking note of the aforesaid order passed by the respondents dated 29.12.1999, the O.A. succeeds and is allowed. Respondents to further consider the other consequential benefits the applicant is entitled to in terms of the Scheme. No order as to costs.

Lakshmi Swaminathan

(Smt. Lakshmi Swaminathan)
Member(J)

'SRD'