

(29)

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.1801/1999

New Delhi this the 16th day of October, 2001.

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

Sunil Dutt,  
S/o Mahesh Pal,  
R/o 69, RBI Quarters,  
Sewa Nagar,  
Delhi.

...Applicant

(By Advocate Mrs. Rani Chhabra)

-Versus-

1. Union of India through its  
Secretary, Ministry of Finance,  
Department of Revenue,  
Central Board of Excise and Customs,  
Delhi.
2. Commissioner,  
Customs and Central Excise,  
Commissionerate, Mangal Pandey Nagar,  
University Road,  
Meerut.
3. Joint Commissioner (P&V),  
Customs and Central Excise,  
Commissionerate,  
Mangal Pandey Nagar,  
University Road,  
Meerut.
4. Superintendent (HQ),  
Customs and Central Excise,  
Commissionerate,  
Mangal Pandey Nagar,  
University Road,  
Meerut.
5. Inspector (Hq),  
Customs and Central Excise,  
Commissionerate,  
Mangal Pandey Nagar,  
University Road,  
Meerut.

-Respondents

(By Advocate Shri H.K. Gangwani)

O R D E R (ORAL)

By Mr. Shanker Raju, Member (J):

The claim of the applicant is for quashing the oral order of disengagement dated 1.4.99 and to reinstate him and further to confer temporary status and regularisation. The learned counsel for the applicant

states that the applicant had worked since 1.2.98 with the respondents and had completed more than 206 days, which entitles him for consideration for accord of temporary status as per the scheme of the DOPT dated 10.9.93. The OA was disposed of without affording an opportunity to the respondents, hence on filing a review they have been provided an opportunity to file their reply. In their reply the respondents have contended that the applicant has not completed the requisite days of service of 206 days, as the applicant had worked from May, 1998 to December, 1998 for 137 days and the another person Sunil who was different from the applicant had worked from February 1998 to April, 1998. In this view of the matter it is also stated that in the event there is availability of work the applicant would be considered for engagement in preference to the juniors and outsiders.

2. Having regard to the rival contentions of the parties and without going into the merits of the case, the present OA is disposed of at the admission stage itself by directing the respondents to consider the case of the applicant for engagement as a casual labour as and when work is available with them in preference to his juniors and outsiders. No costs.

S. Raju  
(Shanker Raju)  
Member (J)

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