

CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH

NEW DELHI

OA 1991/1999

(16)

New Delhi this the 29th day of September, 2000

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

Shri Mahesh Kumar  
S/O Shri Jai Narain Singh  
C/O Ministry of Surface Transport,  
Transport Bhawan, Parliament Street,  
New Delhi-1

.. Applicant  
(By Advocate Shri H.L.Hans )

Versus

1. Union of India through Secretary,  
Ministry of Surface Transport,  
Transport Bhawan, Parliament Street,  
New Delhi-1
2. Member Secretary,  
Departmental Canteen,  
Ministry of Surface Transport,  
Transport Bhawan, Parliament Street,  
New Delhi-1

.. Respondents

(By Advocate Shri S.M.Arif )

O R D E R (ORAL)

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

In this application, ~~the~~ applicant 1 is aggrieved  
by the action of the respondents in not granting him 'Temporary  
Status' in terms of the DOP&T Scheme dated 10.9.1993.

2. In the present case, although <sup>the</sup> application has  
been filed by two applicants, learned counsel Sh.S.L.Hans  
submits that the matter may be proceeded <sup>with</sup> ~~only~~ in respect  
of applicant 1. Hence, the name of applicant 2 stands deleted  
from the Memo. of parties. The main contention of the  
applicant is that he has been working as 'Halwai' in A Type  
Canteen of the respondents continuously for more than two

18

years. According to him, he had been selected for this job (7)

From ~~on~~ 7.1.1997 when the vacancy arose on the death of one Shri Tola Ram who had expired in 1996. The applicant relies on the judgement of the Tribunal in Uma Shankar and Ors. Vs. UOI & Ors (OA 492/1997) decided on 30.9.97, copy placed at Annexure A-6. Thereafter, the respondents have passed QM. dated 3.6.1998 in which one Shri R.Arumugham, had been granted 'Temporary Status' in terms of the DOP&T Scheme dated 10.9.1993.

Admittedly, Shri R.Arumugham was working as a Cook in the departmental canteen and was holding a Group 'C' post like the applicant, who was working as Halwai. One of the main contentions of the respondents/that the applicant is holding a Group 'C' post and not Group 'D' post to which the aforesaid DOP&T Scheme will apply. To this, learned counsel for the applicant has submitted that even though the applicant had been working for a number of years in a Group 'C' post but had only been paid the amount due to <sup>a</sup> Group 'D' post.

3. The Tribunal by order dated 14.7.2000 had directed the respondents to verify the facts regarding grant of 'Temporary Status' to Shri R.Arumugham, who is stated to be holding a Group 'C' post. This has been done on 8.9.2000. From these facts, it is noted that the respondents have stated that Shri R.Arumugham who was working as a Cook on daily wage basis had already completed the required number of 206 days of service in the Departmental Canteen at the relevant time. and, therefore, he was granted 'Temporary Status' (8)

as casual labourer in terms of the DOP&T Scheme dated 10.9.1993.

They have also stated that the applicant is not eligible for grant of 'Temporary Status' as he has not completed the required

number of days of service i.e. 206 days in a year. This fact has been stoutly disputed by Sh.S.L.Hans, learned counsel.

According to him, the applicant has not only completed 206 days of service but much more than that in a particular year. This is a question of fact which can be verified from their records by the respondents.

4. In view of what has been stated above, this application is disposed of with the following directions:-

(i) The respondents are directed to verify the claims of the applicant that he has put in the required number of days of service i.e. 206 days in a year as 'Halwai', although he has been paid on daily wages <sup>basis of</sup> as <sup>employee of</sup> Group 'D' ~~capacity~~. In case he has completed the required number of days of service as mentioned above in terms of the Scheme dated 10.9.1993, the respondents shall grant him similar benefits of 'Temporary Status' as they have done in the case of Sh.R.Arumugham, who was a similarly situated person;

(ii) Necessary action as ~~per~~ above shall be taken within a period of two months from the date of receipt of a copy of this order with intimation to the applicant.

No costs.

*Lakshmi Swaminathan*  
(Smt. Lakshmi Swaminathan)  
Member (J)

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