

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI.

O.A.NO.2089/99

(9)

New Delhi, this the 17th day of February, 2000.

HON'BLE MR. JUSTICE V.RAJAGOPALA REDDY, V.C. (J)

1. Ashok Kapper, R/O Old 21, Chidya Colony, I.A.R.I. Pusa Road, New Delhi-12.
12. Raj Kumar, R/O D-2/87, I.T.I., Pusa, Delhi-12.

(By Advocate: Sh. S.L.Hans) .....Applicants

VERSUS

1. Union of India through Secretary, Ministry of Industries, Govt.of India, Udyog Bhawan, New Delhi - 110001.
2. Joint Controller of Patents & Designs, Patent Office Branch, M.M.Building, Karol Bagh, New Delhi - 110 005.

(By Advocate: Sh. D.S.Jagotra) ...Respondents.

O R D E R (ORAL)

The main relief claimed by the applicants is for the grant of temporary status with all consequential benefits. The applicants have also sought for preferential treatment in the matter of future appointments.

2. The applicants were appointed on adhoc basis on 17.9.98 for a period of three months and that period has been extended from time to time till September, 1999 whey they were discontinued from service. The applicants, relying upon the Circular dated 1.9.93, seeks temporary status in accordance with the Scheme.

3. The only question, therefore, is whether the applicants are entitled to claim temporary status as per the Scheme dated 1.9.93 issued by the DOPT, Govt. of



India. For this purpose, it is necessary to extract paragraph 4 clause (i) of the Circular which is as under:-

"i) Temporary status would be conferred on all casual labourers who are in employment on the date of issue of this O.M. and who have rendered a continuous service of at least one year, which means that they must have been engaged for a period of at least 240 days (206 days in the case of officers observing 5 days' week.)"

4. Clause (i) of para 4 of the above Circular, clearly contemplates that the employee should be in employment on the date of issue of this OM. This is the first basic stipulation and that has to be complied with to claim benefits under the Scheme. The applicants were admittedly not in employment on the date of issue of this OM, I am, therefore, of the view that the Circular has no application. The applicants are not entitled for grant of temporary status according to the above Circular/Scheme.

5. As the applicants have been in service from 1998 for a period of two years continuously and that had completed more than 206 days, they are, however, entitled to be considered in preference to the other freshers or juniors in the future appointments of casual labourer in the respondents department.

6. With these directions, the OA is disposed of.  
No order as to costs.



(V.Rajagopala Reddy)  
Vice Chairman (J)

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