

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

OA 2786/99

New Delhi this the 9th day of May, 2000

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

1. Ganender Singh S/O  
Sh. Jai Singh  
R/O 29/460, Trilokpuri,  
Delhi-91
2. Sudesh Kumar S/O Shri Daulat  
Ram, R/O 6/107, Prem Nagar,  
Lodhi Road, New Delhi-3
3. Raghuveer Singh S/O  
Shri Sobhan Singh  
R/O 29/460, Trilok Puri,  
New Delhi-91

.. Applicants

(By Advocate Shri M.K. Bhardwaj )

Versus

1. Union of India through  
The Secretary,  
Ministry of Finance,  
North Block, New Delhi.
2. The Director of Publications,  
Customs and Central Excise,  
Central Revenue Building,  
New Delhi.
3. The Deputy Commissioner  
Directorate of Publicity and Public  
Relations, Customs and Central  
Excise, New Delhi.

.. Respondents

(By Advocate Shri R.R. Bharti )

O R D E R (ORAL)

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

The applicants have filed this application seeking a direction to the respondents to confer upon them the 'Temporary Status' in terms of the DOP&T Scheme dated 10.9.93.

2. This O.A. has been filed by three applicants who had earlier filed application (OA 1774/99) which was disposed of by order dated 16.8.99 (Annexure R.1). Prior to that, these three applicants, along with five others, had filed OA 764/91 which was disposed of by Tribunal's order dated 28.9.95. Consequent upon the order of the Tribunal passed in OA 764/91, Shri M.K. Bhardwaj, learned counsel submits that the applicants were reengaged as casual labourers with the respondents from February, 1998. According to them they had completed 240 days

of service with the respondents and are entitled for conferment of 'Temporary Status' in accordance with the aforesaid Scheme. They had made a representation to the respondents on 23.8.99 after they had withdrawn OA 1774/99 as per the order dated 16.8.99. Thereafter this OA has been filed on 16.12.1999. 9

3. The respondents in their reply have taken a preliminary objection that this OA has been filed without again exhausting the remedies available to them which is in violation of the provisions of Section 20 of the Administration Tribunals Act, 1985. Shri R.R.Bharti, learned counsel has submitted that the applicants have not given them sufficient time to consider the matter raised by the applicants in their representation dated 23.8.99 which has been repeated in the OA regarding conferment of 'Temporary Status'. They have stated that this question has been examined but they do not fulfil the conditions laid down in the relevant Govt. of India/DOP&T instructions dated 10.9.93. However, <sup>12</sup> ~~what~~ these conditions are not clearly stated by the respondents. In any case, it is for them to verify from their records whether the claim that they had completed 240 days of service in a year is satisfied or not. This is the only <sup>12</sup> ~~the~~ issue, as contended by Sh.M.K.Bhardwaj, learned counsel. The respondents have not stated whether the applicants have completed requisite number of days of service as provided under the DOP&T Scheme dated 10.9.93 for being conferred 'Temporary Status'.

4. In view of the facts stated above, this O.A. is disposed of with a direction to the respondents to consider the claim of the applicants for conferment of 'Temporary Status' in terms of the conditions laid down in the DOP&T OM dated 10.9.93 after verifying their records. They <sup>shall</sup> ~~shall~~ intimate their decisions to the applicants within two months from the date of receipt of a copy of this order. No order as to costs.

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