

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

OA 404/1999

New Delhi this the 3rd day of May, 2000

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

Sukh Lal,
S/O Shri Chhangu,
R/O C-90/91
Sahan Seed Pvt.Ltd.,
Badli Ext. Apka Bazar,
Delhi-110042

.. Applicant

(By Advocate Shri S.K.Gupta along with
Shri Inderjeet Singh)

Versus

1. Union of India, through
Secretary,
Ministry of Defence,
South Block, New Delhi.

2. D.D.G.M.F.
Q.M.G. Branch
Army Headquarters,
West Block-III, R.K.Puram,
New Delhi.

3. Commandant/Farm Officer,
Military Farm School and Research
Centre, Grass Farm Road,
Meerut Cantt. Meerut.

.. Respondents

(By Advocate Shri D.S. Mahendru)

O R D E R (ORAL)

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

The applicant is aggrieved by the action of the respondents in terminating his services w.e.f. 2.11.1998, which he states has been done by a verbal order and not granting him 'Temporary Status' in terms of the Govt.of India, DOP&T Scheme dated 10.9.1993.

2. I have heard Shri S.K.Gupta, learned counsel for the applicant and Sh.D.S.Mahendru, learned counsel for the respondents and perused the pleadings on record.

3. The applicant has given the salient features relating to the case in Paragraphs 4.5 and 5(a) of the O.A. His claim is that he has worked for more than 240 days, as prescribed in the aforesaid Scheme dated 10.9.93 with the respondents, starting from the year 1990 till he was disengaged from service w.e.f. 2.11.1998. The respondents in their reply have submitted that they have not been disengaged from service ^{him}

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by any verbal order dated 2.11.1998 as alleged but the applicant ~~but he~~ had left the job on his own accord. They have also submitted that the applicant was employed as casual labourer as and when they required the service in the Regimental Farms. Learned counsel for the respondents has submitted that there is no post in Regimental Farms duly sanctioned by the Govt. Hence the question of granting 'Temporary Status' to the applicant does not arise at this stage.

4. From the facts mentioned above and has stated in the pleadings, the claim of the applicant that he has completed 240 days of service as casual labourer with the respondents is not denied by the respondents. He has put in service for a number of years from 1990 till November, 1998. Therefore, in accordance with the Govt. of India Scheme dated 10.9.93, the respondents ought to have conferred 'Temporary Status' as provided therein as and when he satisfies the terms and conditions mentioned in the Scheme. This has, however, not been done. Hence this O.A.

5. In the result, taking into account the facts and circumstances of the case, the OA is disposed of with the following directions:-

(i) Respondents to verify their records and grant 'Temporary Status' to the applicant in terms of the Govt. of India, DOP&T Scheme dated 10.9.93, subject to his fulfilment of the terms and conditions mentioned therein;

(ii) Respondents shall also consider reengaging the applicant in preference to juniors and outsiders in case they have work of ~~the~~ the similar nature he was doing prior to 2.11.1998. However, persons if any, who have been employed on or ~~before~~ ^{after} 2.11.1998 but till the filing of the OA i.e. 17.2.99 need not be disturbed. No order as to costs.

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

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