

Central Administrative Tribunal  
Principal Bench: New Delhi

O.A. No. 554/99

New Delhi this the 25th day of January 2000

Hon'ble Mr. Justice V. Rajagopala Reddy, VC (J)

Shri Amir Ali,  
C/o Shri Khalid Zaidi,  
Subhash Vihar,  
Gali No. 1,  
Near Zacharia Masjid,  
Yamuna Vihar,  
Delhi.

....Applicant  
(By Advocate: Shri L.K. Garg)

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,  
Meerut.
3. Superintendent,  
Customs and Central Excise,  
Opp. University, University Road,  
Meerut.
4. Inspector (Headquarters)  
Customs and Central Excise,  
Opposite University, University Road,  
Meerut.

...Respondents

ORDER (Oral)

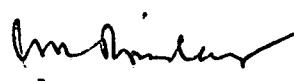
By Reddy, J.-

The only relief claimed in the OA is to confer the status of temporary workmen to the applicant in accordance with the Department of Personnel and Training Scheme containing O.M. dated 10.9.93. The applicant is a casual labourer. He states that he has been working with the respondents since 1991 to 1996. It is the case of the applicant that he is entitled for grant of temporary status in accordance with the above Scheme and for re-engagement in preference to juniors and outsiders.

2. Learned counsel for the applicant relies upon OA No. 2136/97 decided on 18.2.99 and OA No. 2338/98 decided on 19.5.1999. In the latter case, considering similar facts directions were given to the respondents as under:-

"In the circumstances, the ends of justice will be met if the applicant within a week from the date of receipt of a copy of this order makes his claim in a representation before the competent authority, namely, respondent No.4 who will verify the claim of continuous work and if the applicant had worked for the requisite period, shall within a period of two weeks from the date of receipt of the representation, convey to the applicant the decision of the respondents for conferment of temporary status. It is made very clear that short intermittent breaks which cannot be attributed to the applicant, like desertion or absconding, need not mean a break in service and would not necessarily disentitle him from the benefits of the claim. This is a case where the applicant reasserts that he has been working continuously. Applicant shall place the evidence before the competent authority about this fact. After the passing of the order of temporary status, the applicant shall be permitted to rejoin and he can only be disengaged after giving proper notice in accordance with Scheme".

3. The OA is disposed of, with similar directions as are given in O.A. No.2338/98 of 19.5.99.

  
(V. Rajagopala Reddy)  
Vice-Chairman (J)

cc.