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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

OA NO.631/99
MA NO.1739/99 IN

NEW DELHI THIS THE 5th DAY OF OCTOBER, 1999

HON'BLE MRS. LAKSHMI SWAMINATHAN, MEMBER (J)

In the matter of:

1. Yogender Singh
S/o Sh. Ram Pal Singh
R/o WZ-97, Mandi Gaon,
Delhi-52.
2. Chander Bose
S/o Sh. Gaje Singh
R/o WZ-97, Mandi Gaon,
Delhi-52.
3. Roshan Lal
S/o Sh. K.Dass,
R/o WZ-97, Mandi Gaon,
Delhi-52.

.... Applicants
(By Advocate: Mrs. Rani Chhabra)

Vs.

1. Union of India
through its Secretary,
Ministry of Defence,
New Delhi.
2. Controller, General Defence Accounts
5, R.K.Puram,
New Delhi.
3. Controller of Defence Accounts,
(Central Commande)
Meerut Cantt.
4. Joint Controller of Defence Accounts (Funds),
Meerut Cantt.

.... Respondents
(By Advocate: Sh. M.K.Bhardwaj proxy for
Sh. A.K.Bhardwaj)

O R D E R (ORAL)

By Hon'ble Mrs. Lakshmi Swaminathan, M(J)

I have heard Mrs. Rani Chhabra, learned counsel for the applicants and Shri M.K.Bhardwaj, learned proxy counsel for the respondents on OA-631/99 and MA-1739/99.

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2. The applicants had originally filed OA being aggrieved by an oral termination order passed by the respondents dated 9.11.98, and praying for grant of temporary status as provided under the relevant Scheme of the DOP&T dated 10.9.93 (Annexure A-3). In the MA-1739/99 filed by the applicants, in para 6 they have stated that after notice on OA was issued to the respondents, they were all re-engaged on 14.5.99 and continuously working with the respondents as casual labourers. Mrs. Rani Chhabra, learned counsel for applicants, submits that on 10.9.99 the respondents have dispensed with the services of Applicant No.1, Sh. Yoginder Singh, but the other two applicants in the OA are continuing to work as casual labourers. She further submits that as per the respondents' reply, the applicants have put in the number of days service which entitles them for certain benefits to be granted in accordance with the aforesaid Scheme, which the respondents have failed to do so far.

3. In the above facts and circumstances of the case, as regards applicants No. 2 & 3 the OA has become infructuous so far as giving the direction to the respondents to reinstate them, as this action has already been taken by the respondents. As regards Applicant No.1 who is stated to have been dis-engaged on 10.9.99, provided the respondents have work of a casual nature, they shall re-engage him as casual labourer in preference to outsiders and freshers. The respondents shall also consider the cases of the applicants in terms of the aforesaid Scheme issued by the DOP&T dated

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10.9.93 and subject to their fulfilment of the eligibility conditions mentioned therein, they shall pass orders regarding granting of temporary status to them, with intimation to them. This action shall be taken by the respondents within 2 months from the date of receipt of a copy of this order. It is, however, made clear that the applicants shall not be entitled to any back wages for the period they were out of job.

4. OA and MA are disposed of, as above. No order as to costs.

Lakshmi Swaminathan
(MRS. LAKSHMI SWAMINATHAN)
Member (J)

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