

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEWDELHI

(9)

OA 1038/99

with

OA 767/99

New Delhi this the 11th day of January, 2000

Hon'ble Smt. Lakshmi Swaminathan, Member (J)
OA 1038/99

Shri Rajinder Prasad S/O
Sh. Babu Lal R/O Kothi
No. 3, Duplex Road, New Delhi-11

Smt. Birno Devi w/o
Shri Karamveer Singh,
r/o Village-Sandrakala(Khas)
Tahseel-Ganaur, Distt. Sonepat
(Haryana)

.. Applicants

(By Advocate Shri T.C. Aggarwal)

versus

Union of India through:

1. Director General,
Doordarshan, Mandi House,
New Delhi-1
2. Dy. Director General,
Doordarshan News,
Akashvani Bhawan, 5th Floor,
Parliament Street, New Delhi-1

.. Respondents

(By Advocate Sh. R.V. Sinha)

OA 767/99

Shri Virender Kumar S/O
Shri Hanuman Prasad, r/o
13/642, Lodi Colony, New Delhi-3

.. Applicant

(By Advocate Shri T.C. Aggarwal)

versus

Union of India, through

1. The Director General,
Doordarshan, Mandi House,
New Delhi-1
2. Dy. Director General,
Doordarshan News,
Akashvani Bhawan, 5th Floor,
Parliament Street, New Delhi-1

.. Respondents

(By Advocate Shri R.V. Sinha)

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ORDER (ORAL)

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

Both the learned counsel agree that the issues raised in the aforesaid two applications are identical and they are being taken up together for hearing.

2. The applicants in OA 1038/99 and OA 767/99 are aggrieved by the in-action of the respondents in not granting them temporary status in terms of the DOP&T OM dated 10.9.93. They have also alleged that while other similarly situated persons have already been granted temporary status, they have been arbitrary left out from ~~the~~ similar treatment. According to the applicants, they fulfil all the conditions laid down in the aforesaid OM dated 10.9.93. This is a question of fact which the respondents ~~can~~ ^{have} ~~verified~~ ^{to} ~~from~~ the records regarding number of days put in by the applicants as casual labourers with them. Shri T.C. Aggarwal, learned counsel for the applicant also relies on the order dated 22.9.99 passed by the Delhi High Court in CW No. 963/98, copy placed on record. The relevant portion of this order reads as follows:-

" This court in CW No. 512/98 decided on 16th March, 1998 held that the scheme of 10th September, 1993 was an on going scheme and not a one time concession. Subsequently this court following the order of the Division Bench in CW No. 512/98 allowed CW No. 2593/98 in Union of India Vs. Raj Kumar and Ors decided on 1st September, 1999. In view of the decision of this quoted above we hold that Scheme of 10th September, 1993 was an on going scheme and not a one time concession."

3. In both these OAs the applicants have sought a direction that as they have completed 240 days as casual labourers ~~that~~ ^{to} they may be considered for grant of temporary status in terms of DOP&T OM dated 10.9.1993.

4. I have perused the reply filed by the respondents and heard Shri Sinha, learned counsel for the respondents. It is not denied that the applicants are still continuing as casual labourers with the respondents. In paragraph 4.4 of the reply,

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the respondents have stated that none of the applicants were eligible for grant of temporary status as none of them had completed 240 days on the crucial date of issue of OM notifying the scheme on the subject.

5. I have carefully perused the pleadings and the submissions made by the parties.

6. Having regard to the facts and circumstances of these cases and the aforesaid judgement of the Hon'ble Delhi High Court dated 22.9.99, these OAs are disposed of with the following directions:-

The respondents are directed to consider the case of the applicants for grant of temporary status, subject to their fulfilment of the terms and conditions laid down in the DOP&T OM dated 10.9.93 and grant them temporary status from the due date. This action shall be taken ~~to~~ within two months from the date of receipt of a copy of this order with intimation to the applicants. Thereafter they shall also be entitled to any further benefits as provided in the Govt. of India Scheme. Parties to bear their own costs.

7. Let a copy of this order be placed in OA 767/99.

(Smt. Lakshmi Swaminathan)
Member (J)

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Attested

Original
14/11/2000
C.O.C.C.IV