

CENTRAL ADMINISTRATIVE TRIBUNAL: PRINCIPAL BENCH

CP.No.377 of 2000 in
OA.No.1355 of 1999

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New Delhi, this 4th day of January 2001

HON'BLE SHRI V.K. MAJOTRA, MEMBER(A)
HON'BLE SHRI SHANKAR RAJU, MEMBER(J)

Brij Pal Singh
S/o Shri Daulat Singh Chauhan
R/o E-111/A Dilshad Garden
Delhi 110095

...Petitioner

(By Advocate: Shri T.D. Yadav)

versus

1. Shri Ashok Pawa
Secretary
Union of India
Department of Fertilisers
Ministry of Chemicals & Fertilisers
Shastri Bhawan
New Delhi

2. Shri Paramjit Singh
Under Secretary (Administration)
Department of Fertilisers
Ministry of Chemicals & Fertilisers
Shastri Bhawan
New Delhi

... Respondents

(By Advocate: Shri H.K. Gangwani)

ORDER(Oral)

Hon'ble Shri V.K. Majotra, M(A)

Shri T.D. Yadav has filed rejoinder to
the counter affidavit filed by the respondents.

2. We have heard the learned counsel of both
sides.

3. Drawing attention to order dated
12.12.2000 enclosed with the affidavit of
compliance on behalf of the respondents, the
learned counsel of the respondents states that

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the applicant has been accorded temporary status; he would be provided work as soon as it is next available and 50% of his service under temporary status would be counted for the purpose of retirement benefits after his regularisation under the Scheme of Department of Personnel & Training dated 10.9.1993.

3. The learned counsel of the petitioner states that Shri Balwant Singh Gosain who was junior to the petitioner, was provided work by the respondents and also was regularised in accordance with the aforestated Scheme. Therefore, the petitioner should also have been provided work; should not have been turned out without a notice and should be regularised like his junior Gosain.

4. We have to see here as to ^{what} ~~how~~ the directions were in our order dated 5.11.1999 (Annexure CCP-I) and whether the respondents have complied with them or not. As per the directions in our order, the respondents were to give the same benefits as given to Shri Balwant Singh Gosain in OA.1977/97. As such, the respondents were to provide ~~work~~ work to the petitioner next available with them; they were also to re-engage him in preference to persons with lesser casual service and outsiders. He was to be accorded temporary status and considered for

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regularisation as per the terms of the Scheme. Since the petitioner was no longer in service before the orders dated 5.11.1999 were passed by the Tribunal, there is no question of issuing any notice by the respondents to the petitioner. Petitioner has already been accorded temporary status as per order dated 12.12.2000. Respondents have also assured that he would be given work next available with them. The petitioner will have a grievance if he is not re-engaged in preference to persons with lesser casual service and outsiders. Shri Balwant Singh Gosain was already working with them. Therefore, petitioner's grievance that he should also be given work immediately, cannot be countenanced. He has to be provided work next available with the respondents. The respondents have also assured consideration of the petitioner for re-engagement when work is next available with them and also regularisation as per the aforesaid Scheme. The petitioner will have grievance if he is not re-engaged when the work is next available with the respondents and when he is not regularised as per the terms of the Scheme thereafter. We are of the view that in view of the order dated 12.12.2000 and the statement made by the learned counsel of the respondents, the respondents have till now not committed any contempt of court in the light of

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the directions made in the order dated 5.11.1999
(Annexure CCP-I).

5. The notices against the respondents are
discharged and the C.P. is dismissed.

S. Raju
(Shankar Raju)
Member(J)

V. K. Majotra
(V. K. Majotra)
Member(A)

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