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Central Administrative Tribunal
Principal Bench

O.A. 2039/98,
M.A. 469/99,
M.A. 2130/98.

New Delhi this the 26th day of August, 1999

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

1. Shri Suraj Singh,
S/o Shri Prabhu Dayal,
R/o 64, Chiragh Delhi,
New Delhi-17.
2. Shri Sudesh Kumar,
S/o Shri Banwari Lal,
R/o 10/40, Trilok Puri,
Delhi-91.
3. Shri Satpal,
S/o Shri Ram Lal,
V&PO - Bhitorni, Balmiki Basti,
New Delhi-30. Applicants.

By Advocate Ms. Jaswinder Kaur.

Versus

Union of India through
Registrar,
Customs, Excise & Gold
(Control) Appellate Tribunal,
West Block No. 2, R.K. Puram,
New Delhi-110 066. Respondents.

By Advocate Shri Madhav Panikar.

O R D E R (ORAL)

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

The applicants in this case have filed this application impugning the order passed by the respondents terminating their services as casual labourers. The learned counsel for the applicants submits that the same three applicants had approached the Tribunal in an earlier application, OA 305/97 which was disposed of by order dated 29.9.1997. Her contention is that in spite of this order, the respondents have terminated the services of the applicants but later on admittedly the respondents have reengaged them as casual labourers in CEGAT. In this

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connection, Shri Madhav Panikar, learned counsel, has submitted a letter dated 9.3.1999 which is placed on record. Ms. Jaswinder Kaur, learned counsel, has also submitted an Office Order dated 11.5.1999 in which it has been stated that in terms of the provisions contained in the Scheme as circulated vide DOP&T O.M. dated 10.9.1993, relating to the Casual Labourers (Grant of Temporary Status and Regularisation) of Govt. of India, 1993, the three applicants in this O.A. have already been granted "Temporary Status" w.e.f. 11.5.1999 (copy placed on record).

2. In the circumstances, Shri Madhav Panikar, learned counsel, has submitted that the O.A. has become infructuous as the respondents have reengaged the applicants and also granted them 'temporary status'. He has submitted that after their reengagement, the due amounts have also been paid to them. He further submits that the question of regularisation of their services will be considered in accordance with the DOP&T O.M. dated 10.9.1993. Ms. Jaswinder Kaur, on the other hand, submits that after issue of the notice in this O.A. but without any specific order of the Tribunal, the respondents have themselves reengaged the applicants. Her contention is that the respondents are not complying with the orders of the Tribunal as evidenced from the facts subsequent to the Tribunal's order dated 29.9.1997 in O.A. 305/97 resulting in the applicants having to file the present O.A. impugning the reply given by the respondents to their representation (Annex.A). She further submits that the respondents in the impugned reply to the applicants' representation have stated that their past performance was not satisfactory and they lacked devotion to duty. She has, therefore, submitted that the respondents

should not act contrary to law in terminating the services of the applicants, ^{as} to avoid further litigation in the matter. To this, Shri Madhav Panikar, learned counsel, undertakes that in case the respondents take any further action, that will be strictly in accordance with the rules and law.

3. After consideration of the pleadings and the submissions made by the learned counsel for the parties and noting the facts stated in the respondents' Office Order dated 11.5.1999 that the applicants have already been granted 'temporary status' w.e.f. 11.5.1999 in accordance with the DOP&T O.M. dated 10.9.1993, the O.A and M.As are disposed of with the following directions:

The respondents shall further consider the case of the applicants for regularisation in accordance with the DOP&T O.M. dated 10.9.1993 and any other relevant rules, subject to fulfilment of the conditions laid down therein by the applicants. They shall, however, be entitled to relaxation in age to the extent they have put in service in the capacity of casual labourers. No order as to costs.

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

'SRD'