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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA.No.2049 of 1998

New Delhi, this 30th day of August, 2000

HON'BLE MRS. SHANTA SHASTRY, MEMBER(A)

Kamlesh
W/o Shri Jatan Singh
R/o H.No.59/34 Village Hansal
P.O. Dasna, Dist. Ghaziabad
U.P. ...Applicant

(By Advocate: Shri S.K.Gupta)

versus

Union of India, through

1. Director General
Directorate of Health Services
Nirman Bhawan
New Delhi.
2. Drugs Controller (India)
Directorate of Health Services
Nirman Bhawan
New Delhi.
3. Joint Drugs Controller (India)
Northern Region
Central Drugs Standard Control Orgn.
C.G.O. Building No.1
Kamla Nehru Nagar
Ghaziabad (U.P.) ... Respondents

(By Advocate: Shri V.S.R.Krishna)

Order(oral)

By Mrs Shanta Shastri, M(A)

Heard the learned counsel for the applicant as well as the respondents and I have given careful consideration to the pleadings.

2. The applicant had earlier approached this Tribunal through OA.1725/96 seeking the relief of temporary status in accordance with the scheme introduced under notification dated 10.9.1993 of the DoP&T. The same was allowed vide order dated

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6.2.1997. The Operative portion of the order reads as follows:

"In view of the matter, we find no embargo in the way of the applicant and the respondents are directed to confer temporary status upon the applicant in accordance with Scheme attached to the Notification dated 10.9.1993 from the date on which he is entitled to be so considered. They are further directed to complete the formalities within four weeks from the date of receipt of a copy of this order and inform the applicant accordingly. He is also entitled to all other consequential benefits arising out of such conferment of temporary status."

3. Thereafter the respondents issued order dated 16.5.1997 conferring temporary status on the applicant with effect from 1.9.1993 subject to certain conditions. In the same OM, the respondents have explained that the temporary status would entitle the applicant only the wages with other allowances on priority basis. No other benefits would be admissible to her being a casual employee. The applicant in the present OA is aggrieved by the denial of the other benefits after granting temporary status to the applicant. The applicant has therefore prayed to quash and set aside sub-para (ii) of para "other terms and condition" given under the Office Memorandum dated 16.5.1997 and to direct the respondents to give all benefits which are available under para-5 of the Scheme dated 10.9.1993 including Bonus and arrears of pay etc.

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4. The learned counsel for the respondents contends that the applicant was only a part-time casual labourer and according to the scheme the applicant ~~and~~ had not even put in 240 days of service in one year. Therefore, the applicant cannot be entitled to all the benefits. Further the applicant's case has to be considered in the light of the scheme of grant of temporary status and regularisation to casual labour^s as introduced under OM dated 10.9.1993 by the Department of Personnel & Training. Accordingly the applicant's case has been considered and based on the part-time functioning of the applicant the entitlements have been worked out. Therefore the applicant cannot be given other benefits.

5. We find from the order dated 6.2.1997 of this Tribunal in OA.1725/96 that the Tribunal has directed in no uncertain terms to confer the temporary status upon the applicant in accordance with the scheme of 10.9.1993. There is no ambiguity about this. It is a clear direction and the respondents have also partly complied with the same by actually conferring the temporary status. In my view therefore it is not given to the respondents to deny the applicant the benefits of the scheme of grant of temporary status to casual labourers. The applicant will be entitled to all the benefits as listed out in

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para-5 of the DoP&T's (Annexure A-2 at p.17).
The respondents are accordingly directed to
extend all the benefits as listed out in para-5
of the OM dated 10.9.1993. This may be done
within a period of three months from the date of
receipt of a copy of this order.

6. In the result, the OA is allowed. I do
not order any costs.

Shanta
(Mrs. Shanta Shastry)
Member(A)

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