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CENTRAL ADMINISTRATIVE TRIBUNAL:PRINCIPAL BENCH

O.A.No.2246/98

New Delhi, this the 18th day of November, 1998

HON'BLE MR. N. SAHU, MEMBER(A)

Smt. Raj Rani,
w/o Shri Jag Mohan,
r/o Ward No.3,
House No.417,
Mehrauli, New Delhi.

....Applicant

(By Advocate: Shri R.K.Shukla)

Versus

Union of India, through

1. Secretary,
Department of Company Affairs,
5th Floor,
Shastri Bhawan,
Dr. Rajendra Prasad Road,
New Delhi.

2. The Registrar,
Department of Company Affairs,
Paryavaran Bhawan,
CGO Complex,
Lodi Road, New Delhi.

....Respondents

(By Advocate: None)

ORDER(ORAL)

HON'BLE MR. N. SAHU, MEMBER(A)

Heard Shri Shukla, ld. counsel for applicant.

2. The applicant was given an unconditional appointment by order dated 3.6.97(Annexure A-2) after an interview as per Annexure A-1. He worked under respondent no.2 upto 30.6.98 as per his averment. He states that he has completed more than 240 days and is therefore entitled to temporary status under the guidelines of the Ministry of Personnel dated 10.9.93. His oral termination without giving an opportunity of being heard is stated to be bad in law because by the operation of the instructions of D.O.P.T. (supra), he has to be given temporary status after he completes the

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requisite number of days in a year of 12 months (not necessarily in a financial year) as is held in a number of C.A.T. decisions. The opportunity before termination is in the form of a notice period of one month or payment in lieu thereof which is a condition precedent which must be complied with before a termination order is issued. A legal notice dated 21.7.98 was sent by the applicant and finding no response, the applicant is before this court.

3. This O.A. can be disposed of by issuing a direction to respondent no. 2 to consider the claim of the applicant and if he fulfils all the conditions as contained in O.M. dated 10.9.93 of the Department of Personnel & Training, an order of conferring temporary status shall be considered and passed by respondent no.2 within a period of four weeks from the date of receipt of a copy of this order. I order accordingly.

4. The applicant also claims that arrears of wages have not been paid. It shall be looked into and whatever wages have not been paid, the same shall also be paid within the above prescribed time limit. If for any reason, respondent no.2 finds himself unable to comply with the directions, he shall pass a speaking order on the legal notice dated 21.7.98, which can be treated as a representation for this purpose. The applicant, if he is not satisfied with the order of

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respondent no.2 passed on his representation, he is free to move this Tribunal once again.

5. The O.A. is disposed of with the above directions. No costs.

N. Sahu

(N. Sahu)
Member (A)

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