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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No. 237 of 1998

New Delhi, dated this the 20th August, 1998

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

Shri Mohd. Kamal,
S/o Shri Abdul Khalid,
C/o Shri Ashphaq Ahmed,
255, Jamun Mohalla,
Meerut Cantt.,
Lal Kurti,
Meerut Cantt., U.P.

..... APPLICANT

(By Advocate: Ms. Richa Goel)

Versus

1. Union of India through
Ministry of Finance,
Dept. of Revenue,
Central Board of Excise & Customs,
New Delhi.
 2. Commissioner (Hqrs.),
Central Excise & Customs,
Commissionerate, Meerut.
 3. Superintendent (Hqrs.),
Customs & Central Excise Commissionerate,
Meerut.
 4. Administrative Officer,
Customs & Central Excise Div.,
Meerut.
- RESPONDENTS

(By Advocate: Shri VSR Krishna)

ORDER (Oral)

BY HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

Applicant prays for grant of temporary status in accordance with Casual Labourers (Grant of Temporary Status & Regularisation Scheme), 1993.

2. I have heard applicant's counsel Ms. Goel and respondents' counsel Shri Krishna.

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3. Shri Krishna has raised three objections in this case; firstly that applicant has not put in the required number of continuous service; secondly that as per Para 2(1) DOPT letter dated 12.7.94 temporary status cannot be conferred on those who have not been engaged through Employment Exchange; and thirdly applicant has not filed any representation to respondents before coming to the Tribunal.

4. In regard to the first objection I note that a certificate issued by respondent's office stating that applicant has been working as a farash since 1.4.93, and applicant's counsel states that he has been employed on continuous basis thereafter. There are no documents to rebut this averment and under the circumstances, I am persuaded to hold that applicant has put in the required number of days for grant of temporary status in accordance with the aforesaid Scheme.

5. In so far as the contents of Para 2(1) of DOPT letter dated 12.7.94 are concerned, a copy of the same is placed at Ann. A-2^{in which} nowhere requires that employees who have come through Employment Exchange ^{alone,} would be granted benefits of the Scheme. If applicant did not come through Employment Exchange, respondents themselves are to explain why they engaged him. *h*

6. In so far as the third objection is concerned it is true that applicant has not filed any representation to the respondents. However, in the facts and circumstances of this case, it would be unfair and unjust to deny consideration of applicants' prayer merely on this ground.

7. This O.A. is accordingly allowed, to the extent that respondents shall consider applicant's case for grant of temporary status in accordance with provisions of the the aforesaid Scheme and pass appropriate orders within two months from the date of receipt of a copy of this order under intimation to applicant. No costs.

S.R. Adige
(S.R. ADIGE)
VICE CHAIRMAN (A)

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