

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

O.A. No. 338 of 1998

New Delhi, dated this the 1st September 1998

(7)

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

Shri Manoj Chand,
S/o Shri Gaya Prasad,
R/o A-22/A, Madhu Vihar, Gali No.20,
Delhi-110092. APPLICANT

(By Advocate: Shri S.D. Sharma)

Versus

Union of India through

1. Secretary,
Ministry of Defence, New Delhi.
2. Controller General of Defence Accounts,
West Block V, R.K. Puram,
New Delhi.
3. Controller of Defence Accounts (Army),
Meerut Cantt.
4. Sr. Accounts Officer (AN),
O/o the C.D.A. (Army),
Meerut Cantt. RESPONDENTS

(By Advocate: Shri KCD Gangwani)

JUDGMENT

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

Applicant impugns respondents' action in disengaging him by verbal orders dated 9.6.97, which has been confirmed in their reply dated 19.1.98 (Ann. 1) and prays to be allowed to resume his duties as a Group D employee with temporary status under respondents with back wages.

2. Respondents in their reply confirm that applicant was a casual labourer and was granted temporary status w.e.f. 25.11.94 vide order dated 25.11.94. They however state that the appointing

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authority by his order dated 4.6.97 decided to disengage applicant w.e.f. 28.5.97 consequent to his being detained in police custody for more than two weeks on the charge of theft of a scooter which was stolen from the office campus on 16.4.97 and was recovered by the police from him. Respondents state that this criminal case is under trial and his reengagement can be considered on merits only after decision of the Court. Applicant in rejoinder has filed a copy of the judgment dated 15.4.98 acquitting him in the aforesaid criminal case.

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3. I have heard applicant's counsel Shri S.D. Sharma and respondents' counsel shri Gangwani.

4. Even if applicant was disengaged consequent to the institution of a criminal case against him that does not absolve respondents of their responsibility in following the procedure for disengaging a casual labourer with temporary status in accordance with the provisions of the Casual Labourer (Grant of Temporary Status and Regularisation) Scheme, 1993, that is by giving him one month's notice in writing or one month's wages in lieu thereof.

5. As respondents did not give applicant one month's notice in writing before terminating his service, they shall now pay to applicant one month's wages. These directions shall be

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implemented by them within four weeks from the date of receipt of a copy of this order. Furthermore as applicant was disengaged by Respondents only because of the aforementioned theft case, in which he has now been acquitted by a Court of Competent jurisdiction vide judgment dated 15.4.98, and respondents have not stated that any appeal has been filed against that judgment, they should consider reinstating him within four weeks from the date of receipt of a copy of this order in accordance with rules and instructions, and upon such reinstatement applicant will recover his original seniority as a casual labourer with temporary status, but will not be entitled to any backwages for the period he remained out of work.

6. The OA is disposed of in terms of para 5 above. No costs.

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

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