

Central Administrative Tribunal  
Principal Bench, New Delhi

OA No. 1725/96

New Delhi, this the 6th day of February, 1997

Hon'ble Dr. Jose P. Verghese, Vice-Chairman (J)  
Hon'ble Shri S. P. Biswas, Member (A)

Kamlesh  
w/o Shri Jatan Singh,  
R/o H.No. 59/34, Vill. Harsal,  
P.O. Dasna, Distt. Ghaziabad (UP) ...Applicant  
(By Shri S.K.Gupta, Advocate)

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 Shri R.N.Sinha proxy for  
Shri R.V.Sinha, Advocate)

O R D E R (oral)

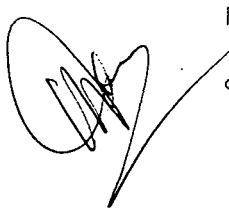
By Hon'ble Dr. Jose P. Verghese, Vice-Chairman (J) --

The applicant in this case is aggrieved only by denial of temporary status in accordance with the Scheme attached to the Notification dated 10.9.1993 at Annexure A.7. After several opportunities respondents have now filed the counter affidavit and the applicant's counsel submits that no rejoinder is required and the matter being a casual labour matter pending since August, 1996 may be disposed of on the basis of the records available before the court.

2. We have perused the counter affidavit and the only plea raised in the counter affidavit is that the applicant who was in the employment of the respondents since 3.11.1986 was employed on a part time basis and as such he is not entitled to the benefit under the Scheme. (5)

3. The short question before us is whether a part time casual labourer is entitled to the benefit of the above Scheme under the Notification dated 10.9.1993 is available for declaration of temporary status on the applicant or not. This matter has been considered by Full Bench of this Tribunal in OA No. 912/92 and OA 961/92 (N.J. Ramulu Vs. The Secretary, Ministry of Communication, Department of Post & Others decided on 7th June, 1993 in which it was held by the court that a temporary status under the Scheme can be conferred even to part-time casual labourers. It goes on to say that after confirmation of a temporary status, such casual labourers can also be considered for absorption in Group 'D' posts and nothing more has been shown to us so as to compel us to depart from the view taken by the Full Bench which is binding on us.

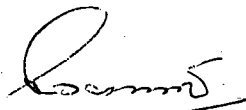
4. Learned counsel for the applicant has also filed another decision of this Tribunal following the said decision of the Full Bench and this decision is dated 16.1.1995 in OA No. 1639/94 in the case of Nagendra Singh & Others vs. Union of India & Ors. It is also stated at the Bar that the respondents had filed an SLP against this decision and the same has been dismissed on 1.3.1996 by the Division Bench of the Hon'ble Supreme court. This Tribunal has passed similar orders following the Full Bench decision.



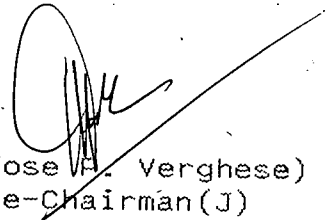
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5. In view of the matter, we find no embargo in the way of the applicant and the respondents are directed to confer temporary status upon the applicant in accordance with Scheme attached to the Notification dated 10.9.1993 from the date on which he 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 confirmation of temporary status.

6. With the above directions, this O.A. is disposed of. There is no order as to costs.



(S.P. Biswas)  
Member (A)



(Dr. Jose A. Verghese)  
Vice-Chairman (J)

/NA/