

Central Administrative Tribunal  
Principal Bench: New Delhi

OA No.309/96

New Delhi this the 21st day of May 1996.

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)  
Hon'ble Mr R.K.Ahooja, Member (A)

Pramod Kumar  
S/o Sh. Ramvir Singh  
R/o B-43 Pusa Gate  
New Delhi.

...Applicant.

(By Advocate: Shri G.S.Lobana)

Versus

Union of India through  
Secretary  
Ministry of Water Resources  
Shram Shakti Bhawan  
New Delhi-110 001.

...Respondent.

(By Advocate: Shri M.K.Gupta)

O R D E R (Oral)

Hon'ble Mr A.V.Haridasan, Vice Chairman (J)

The applicant who was serving as Casual Mazdoor under the respondent was disengaged in the month of August 1995 even after <sup>during the</sup> he had put in 261 days continuous service preceding the 12 months.

Those who were engaged alongwith the applicant and dis-engaged <sup>Placed Persons</sup> similarly approached this Tribunal in OA 2137/95 and the Tribunal had passed an order directing the respondents to reinstate them in service and to grant them temporary status. As the applicant had left for his native place, he could not join the OA 2137/95 and as a result the benefit was not given to him. Inspite of his representation to the respondent to extend to him the benefit of the judgement in OA 2137/95 on the ground that he is also similarly situated like the applicants in OA 2137/95, the respondent failed to extend to him the benefit. Under the circumstances, the applicant has filed this application seeking to quash the impugned verbal termination order and for a direction to

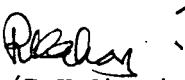
the respondent to grant the applicant temporary status, equal pay for equal work, regularisation and other consequential benefits.

2. Though the application is opposed by the respondent and though they have filed a reply, when the application came up for final hearing the respondent agreed that the applicant is similarly situated like the applicants in OA 2137/95 and, therefore, is entitled to the same benefit as the applicants got in OA 2137/95. In view of the above submission by the learned counsel of the respondent, we dispose of this application with the following directions:-

- [a] The applicant is entitled for grant of temporary status as per the Scheme and regularisation.
- [b] The termination of services of the applicant is set aside and the respondent is directed to take the applicant back in service within a period of one month from the date of receipt of this order.
- [c] The respondent shall pass an order in regard to the grant of temporary status to the applicant with effect from the date on which he had completed 206 days in a year and grant him the benefits flowing therefrom.
- [d] The applicant shall not be entitled to back wages for the period during which he was kept out of service.

There is no order as to costs.

A copy of the order may be given to the counsel of the applicant DASTI.

  
(R.K. Ahuja)  
Member (A)

  
(A.V. Haridasan)  
Vice Chairman (J)