

CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench

O.A. No. 394 of 1996

New Delhi this the 24th July, 1996

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

HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Shri Satya Pal,
S/o Shri Kishan Lal,
R/o Vill. Beel Akbar Pur,
P.O. Dadri,
Dist. Ghaziabad (U.P.)

..... APPLICANT

(By Advocate: Shri D.R.Gupta)

VERSUS

1. The Chief Controller of Accounts,
Ministry of I & B,
Principal Accounts Office,
'H' Block, Tropical Building,
Connaught Place,
New Delhi.

2. Sr. Pay & Accounts Officer,
All India Radio,
Parliament Street,
New Delhi-110001.

RESPONDENTS

(By Advocate: Shri E.X. Joseph)

ORDER (Oral)

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

We have heard Shri Gupta, counsel for the applicant and Shri E.X. Joseph for the respondents.

2. Admittedly the applicant acquired temporary status in accordance with the provisions of Casual Labourers (Grant of Temporary Status & Regulations) Scheme, 1993, hereinafter called the 'Scheme' circulated vide DPACR's O.M. dated 10.9.93. While Shri Gupta claims that the applicant acquired this status in March, 1995 itself, Shri Joseph states that the exact date on which the applicant acquired temporary status is not readily available with

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with him. However, the fact that the applicant acquired temporary status is not denied by Shri Joseph. Despite that we notice that the applicant was abruptly disengaged and that too by a verbal order, because no written order has been produced by either side. The respondents contend that they took this action because of the applicant's alleged acts of indiscipline, arrogance and for his absence for long spells during office hours. We further note that after the applicant was disengaged, the respondents admittedly engaged one Manoj Kumar although they claim that he was engaged for a specific period of 3 months for the specific work of weeding out old records.

3. Having acquired temporary status the applicant should not have been summarily disengaged and that too by a verbal order on the ground that he was indisciplined, arrogant and absent for long spells without giving him a reasonable opportunity to show cause against such proposed action, as the same is violative of ^{the} principles of natural justice.

4. In the light of the facts noted above both counsel agree that the O.A. be disposed of with the following directions:

- (i) The respondents will re-engage the applicant forthwith and thereafter issue an order granting him temporary status w.e.f. the date he completed the required period of days as prescribed in the Scheme.

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(ii) It will be open to the respondents to proceed against the applicant, for his alleged acts of indiscipline, etc. in accordance with law.

(iii) No costs.

A. Vedavalli
(Dr. A. VEDAVALLI)
Member (J)

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(S.R. ADIGE)
Member (A)

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