

Central Administrative Tribunal
Principal Bench: New Delhi

(12)

OA 543/96

New Delhi this the 8th day of April 1997.

Hon'ble Mr R.K.Ahooja, Member (A)

1. Girdhari
2. Satya Prakash
3. Raj Kumar - II
4. Nihal Singh
5. Atul Kumar Gupta
6. Krishan Gopal
7. Ajay Kumar
8. Barinder Singh
9. Jeewan Singh
10. Sunil Kumar Phadke
11. Arun Kumar Singh
12. Laxman Singh
13. Om Prakash - II

...Applicants.

(All temporary Group-D casual workers of Regional Passport Office,
R.K.Puram, New Delhi)

(By advocate: Shri D.C.Vohra)

Versus

Union of India through

1. The Secretary
Dept. of Personnel & Training
North Block, New Delhi.

2. The Secretary
M/o External Affairs
South Block
New Delhi.

3. Joint Secretary &
Chief Passport Officer
Regional Passport Office
M/o External Affairs
Patiala House
New Delhi.

...Respondents.

(By advocate : Shri Vijay Mehta)

O R D E R (oral)

Hon'ble Mr R.K.Ahooja, Member (A)

Heard.

Applicants were initially appointed as casual labourers and
were granted temporary status in accordance with the Scheme framed

by the Ministry of Personnel vide order dated 15.3.94. The applicants are aggrieved that without giving them any notice and contrary to the provisions of the Scheme, the temporary status granted to them was withdrawn vide order dated 24.11.95 (Annexure 2B).

2. Respondents in their reply state that initially the Scheme, according to which temporary status was granted to the applicants, made no mention that casual labourers must be sponsored by the Employment Exchange. Later, the Department of Personnel had made it clear that conferment of temporary status would be made only where casual labourers had been recruited or sponsored through Employment Exchange. Since in the case of the applicants, the sponsorship had not come through the Employment Exchange, the impugned order at Annexure 1B was issued.

3. I have heard the learned counsel on both sides. Shri D.C.Vohra, learned counsel for the applicant submits that he is not pressing the grounds (d) & (e) at para 8 of the application. I do not agree with the learned counsel for the applicant that specific provision regarding withdrawal of temporary status has to be included in the Scheme. It is clear that there is substance in the second ground. Since conferment of temporary status also carries with it certain benefits like increment and regularisation, withdrawal of temporary status, therefore, takes away those benefits adversely affecting the applicants.

4. In view of this, it is essential that in the interest of natural justice, person (s) affected should be given an opportunity to show cause. This has admittedly not been done in the present case. For this reason, the impugned order is unwarranted and it is hereby quashed. It is, however, made clear that the respondents, if they so wish, may proceed in accordance with the provisions of the Scheme for further action if considered necessary in this matter.

aa.

R.K.Ahooja
(R.K.Ahooja)
Member (A)