

10

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. No. 616/96

New Delhi, this the 17th day of April, 1997.

Hon'ble Mr. Justice K.M. Agarwal, Chairman

Nand Kishore,
S/o Shri Faqir Chand,
R/o 6/8, Khichripur,
Delhi-110 091.

.....Applicant

(By advocate: Shri R.L. Sethi)

Versus

Union of India through,
The Principal Director,
Indian Audit and Accounts Department,
3rd Floor, 'A' Wing,
Indra Prastha Bhawan,
New Delhi-110002.

.....Respondent

(By advocate: Shri R.K. Shukla, proxy for
Shri V.S.R. Krishna)

O R D E R (ORAL)

HON'BLE MR. JUSTICE K.M. AGARWAL, CHAIRMAN

This is an application under Section 19 of the Administrative Tribunals Act, 1985 for a direction to the respondent to accord temporary status to the applicant in accordance with the relevant office circular and memorandum.

It appears that the applicant was a casual employee of the Railways between 30.7.1992 and 8.4.1994. After termination of his service, he filed O.A. 1136/93 which was disposed of on 31.5.1993 with a direction to file representation to the department. It further appears that representation made by the applicant was

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not fruitful and, therefore, he had to file O.A. 1925/93 which was disposed of with certain directions. As the directions were not complied with, CP-120/95 in O.A. 1925/93 was filed for an appropriate action against the respondent. That was disposed of by order dated 10.7.95 in view of the fact that he was given casual employment by the Railways with effect from 7.7.1995. His services were further terminated with effect from 2.1.1996. Thereafter, he filed the present petition for the aforesaid relief.

Learned counsel for applicant submitted that the applicant had put in 253 days of continuous service with the department and, therefore, he was entitled to the grant of temporary status. The claim is denied by the department on the basis of O.M. dated 10.9.1993 filed as annexure R-1, alongwith the counter. On going through the document, I find that the temporary status could be claimed by a casual employee who was employed at the time of the Office Memorandum and who, by then, had rendered one year's continuous service in Central Government offices other than the Department of Telecom, Posts and Railways.

In the present case, even according to the applicant, he was not in employment for a continuous period of one year but was only for a period of 253 days. It is also doubtful, if on the date of annexure R-1, he was in the employment of the respondent. Under the circumstances, I am of the view that the relief claimed by the applicant in this petition cannot be entertained.

For the reasons aforesaid, this petition fails and

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it is hereby dismissed but with no order as to costs.

At this stage, 1d. counsel for applicant submitted that at least the respondent may be directed to consider the case of the applicant for future employment, in case vacancy arises. I hope and trust that if vacancy arises, the case of the applicant may be considered sympathetically but no direction in that regard can be given in this application.

Km
(K.M. AGARWAL)
CHAIRMAN

/Mishra/