

(27)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

C.P. 302/99 in O.A. 2595/97

New Delhi this the 25th May, 2000

Hon'ble Sh. S.R. Adige, Vice Chairman (A)
Hon'ble Sh. Kuldip Singh, Member (J)

In the matter of:

Gabbu Lal
son of Bali Raj
C/o A-1457, Sultanpuri
Delhi 110041

(BY: Sh. Javed Ahmed, proxy counsel for Petitioner
petitioner)

Versus

1. Javed Chaudhary,
The Secretary,
Ministry of Finance,
Central Board of Excise & Customs,
North Block,
New Delhi
2. R.K. Tiwari,
The Commissioner of Central Excise
C.B. Building, I.P. Estate,
New Delhi
3. Sh. Vijay Zutshi
The Commissioner (General)
Customs,
New Customs House, IGI Airport,
New Delhi 110037
4. Dr. A.K. Srivastava
The Additional Commissioner (P&B)
New Customs House,
IGI Airport,
New Delhi 110037
5. B.K. Gupta
The Commissioner,
Customs, ICD, Taghlaqabad,
New Delhi 110020
6. Captain Virender Singh
The Commissioner
Customs, ACU
New Customs House,
IGI Airport,
New Delhi 110037

(BY: Advocate Sh. R.R. Bharti.)

..... Respondents

/h



ORDER (Oral)

Hon'ble Sh. S.R. Adige, VC (A)

Heard both sides on CP No. 302/99, arising out of O.A. No. 2595/97.

2. It is not denied that all the 25 applicants in O.A. 2595/97 has been granted temporary status pursuant to the Tribunal's order dated 28.4.98 in O.A. No. 2595/97 except applicant No. 12 Shri Gabbu Lal.

3. In this case respondents stated that he has not completed the required 240 days of service in 1996-97.

4. A perusal of para 5 of respondents reply makes it clear that they have calculated the number of days separately for 1996, 1997, 1998 & 1999.

5. It has been made clear in a catena, of judgements, while interpreting DPAR OM dated 10.9.93 on the subject of counting of the 240 days minimum required service in the case of a casual labourer, that the counting would commence from the 1st day of service put in by him, regardless of the date in the year on which the day fell, and 240 days would be counted from that date, after ignoring short technical breaks. For instance if a casual labourer commenced service on 12th March 1996, 240 days would have to be counted from that date after ignoring short technical breaks, if any, and he would be entitled to grant of temporary status on completion of 240 days counting from 12th March 1996.

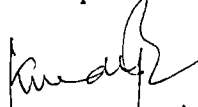
6. In the result the CP is disposed of with a direction to respondents to grant applicant temporary status after recalculating the minimum no. of required days of service for grant of the same in accordance with what has been stated above.


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7. These directions should be implemented within 6 weeks from the date of receipt of a copy of this order.

8. Subject to what has been stated above, the CP is disposed of. Notices discharged.


(KULDIP SINGH)
Member (J)


(S.R. ADIGE)
Vice Chairman (A)

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