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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

OA 328/1997

New Delhi this the 1st day of April, 1997.

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Shri Kaver Sen,
S/o Parkash,
Vill. Jhoba
Distt.

(By Advocate Shri D.R. Gupta) ... Applicant
Vs.

1. The Controller of Accounts (Admn.),
Principal Accounts Office,
Ministry of Urban Affairs & Employment,
'F' Wing, Second Floor, Nirman Bhavan,
New Delhi-110011
2. The Senior Accounts Officer,
Principal Accounts Office (Admn.),
Min. of Urban Affairs & Employment,
Nirman Bhavan, New Delhi. 110011.

(By Advocate Shri V.S.R. Krishna) ... Respondents

ORDER (ORAL)

(Hon'ble Smt. Lakshmi Swaminathan, Member (J))

The grievance of the applicant is with regard to the verbal order dated 31.3.96 terminating his services. The applicant claims that while he was eligible for the grant of temporary status, the respondents have illegally terminated his services while retaining the services of his juniors which is contrary to law and the provisions of the relevant scheme. The order passed by the Department of Personnel and Training dated 10.9.93 for granting temporary status. The learned counsel has also submitted that this case is fully covered by the Division Bench judgment of this Tribunal in OA 1672/95 (Shri Rajesh Kumar Mehta and others v. Chief Controller of Accounts) decided on 1.7.1996. (Copy placed on record).

2. I have seen the reply filed by the respondents and heard Shri V.S.R. Krishna, learned counsel for the respondents.
3. In the facts and circumstances of the case, this

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O.A. is entitled to succeed on the same lines as the applicants in OA 1672/95. Accordingly, this application is disposed of with the following directions to the respondents:-

- (a) The impugned order dated 31.3.96 terminating the services of the applicant is quashed and set aside with the directions to the respondents to take the applicant back in service within a period of one month from the date of receipt of a copy of this order. However, it is made clear that the applicant shall not be entitled to any back wages for the period he has not actually worked;
- (b) The respondents are directed to pass an order in regard to the grant of temporary status to the applicant in terms of the DP&T O.M. dated 10.9.93 within a period of one month of taking the applicant back in service. Thereafter the applicant shall be entitled to consequential benefits in accordance with the scheme.

O.A. is disposed of as above. No order as to costs.

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)

Member (J)

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