

Two
CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.1639/94

NEW DELHI THIS THE 16TH DAY OF JANUARY, 1995.

MR.JUSTICE S.K.DHAON, VICE-CHAIRMAN(J)
MR.B.N.DHOUNDIYAL, MEMBER(A)

1. Shri Nagendra Singh
S/o Shri Shishpal Singh
R/o House No.266-G,
Mohalla Shibban Pura
(Near Shibban Pura Jr.High School)
Meerut Road
Ghaziabad(U.P.)
2. Raja Bala
wife of Nagendra Singh
R/o House No.266-G
Mohalla Shibban Pura
(Near Shibban Pura Jr.High School)
Meerut Road,
Ghaziabad(U.P.)
- ... APPLICANTS

BY ADVOCATE SHRI KRISHAN MAHAJAN.

vs.

1. Union of India through
Secretary,
Ministry of Agriculture,
Department of Rural Development
Krishi Bhawan
New Delhi.
2. Shri Shiv Narayan
Chief Chemist(Agmark Laboratory)
Directorate of Marketing & Inspection,
Deptt.of Rural Development
Ministry of Agriculture
Ghaziabad.
- ... RESPONDENTS

BY ADVOCATE SHRI B.LALL.

ORDER(ORAL)

JUSTICE S.K.DHAON:

The applicants are really aggrieved by the denial of temporary status to them in accordance with the scheme attached to the notification dated 10.9.1993.

2. A counter-affidavit has been filed on behalf of the respondents. In it, the only plea to defeat the claim of the applicants is that since they were and are in the employment of the respondents on part time basis, they are not entitled to the benefit of the scheme.

3. It appears that on 8.8.1994, the Chief Chemist, Regional Agmark Laboratory, Ghaziabad declined to accept the prayer made by the applicants that they may be conferred a temporary status on the

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ground that in the office, there is no regular post of a Safaiwala.

4. The controversy as to whether part-time casual labourers are entitled to the benefit of the aforesaid scheme stands concluded by a Full Bench of this Tribunal in OA No.912/92 & OA No.961/92(N.J.Ramulu Vs. The Secretary, Ministry of Communication, Department of Post & others) decided on 7.6.1993 and reported in Administrative Tribunal Full Bench Judgements 1991-1993 published by S.C.Services Law Judgements. It is held therein that a temporary status under the scheme can be conferred even to part-time casual labourers. It goes on to say that after conferment of a temporary status, such casual labourers can also be considered for absorption in Group 'D' posts. Nothing has been shown to us so as to compel us to depart from the view taken by the Full Bench which is binding on us.

5. There is no other impediment in the way of the applicants. The respondents are directed to confer a temporary status upon the applicants in accordance with the scheme from the date on which they were entitled to be so conferred.

6. There is some controversy about the arrears of pay of applicant No.2. According to Sh.B.Lall, the learned counsel for the respondents, applicant No.2 is not entitled to any arrears as she has absented herself from duty. This statement is controverted by the learned counsel for the applicants. We direct Shri R.C.Banerji, Regional Agricultural Adviser to go into the complaint of applicant No.2 and give his decision thereon by a speaking order within a period of one month from today. Applicant No.2 need not serve a copy of this order upon Shri Banerji as the same is being passed in the presence of Sh.Lall. Shri Lall also undertakes that the applicants would be paid their wages for each month on or before

the 10th^{day} of the succeeding month.

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7. With these directions, this OA is disposed of finally but without any order as to costs.

B.N. Dhoundiyal
(B.N.DHOUNDIYAL)
MEMBER(A)
SNS

S.K. Dhaon
(S.K.DHAON)
VICE-CHAIRMAN(J)