

(12)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 1285/2000
MA NO. 1657/2000
MA NO. 271/2001

New Delhi, this the 29th day of October, 2001

HON'BLE SH. SHANKER RAJU, MEMBER (J)

In the matter of:

Dinesh Chand,
S/o Sh. Babu Lal,
R/o House No.161
Sanjay Nagar,
Near Pandav Nagar,
Meerut Cantt.,
MEERUT

...Applicant.

(By Advocate: Sh. S.K.Gupta)

Versus

1. Union of India,
Through Secretary,
Ministry of Defence,
South Block,
NEW DELHI

2. Deputy Director General of
Military Farm (QMG Branch),
Army Headquarters,
West Block-III,
R.K. Puram,
NEW DELHI-66

3. Officer Incharge,
Military Farm,
Mawana Road,
Meerut Cantt.,
MEERUT

...Respondents.

(By Advocate: Sh. Madhav Panikar)

O.R.D.E.R. (ORAL)

By Sh. Shanker Raju, Member (J)

Heard counsel for both the parties.

2. The OA is disposed of at the admission stage itself. Applicant has assailed an oral order of discharge dated 2.8.1997 and has sought temporary status and regularisation on the basis that he had worked and completed 240 days in the years 1993, 1994 and 1995 and as such as per the Scheme of DOPT dated 10.9.1993, he is entitled for further relief. The applicant further states that in view of decision of the Apex Court in Sarju K. Prasad, the scheme of DOPT has been

observed to be an ongoing scheme. Learned counsel for the applicant in his rejoinder on record produced certain official documents where it is acknowledged that the applicant had worked for 240 days. In this view of the matter it is contended that the respondents be directed to consider his claim for temporary status and regularisation.

3. On the other hand Sh. Madhav Panikar, counsel for respondents stated that the documents as produced by the applicant are to be verified by them to ascertain whether he had worked or not. It is also stated that no junior or outsider to the applicant has been engaged during March/April, 2000 and it is contended that no representation has, however, been received in their office by the respondents.

4. Having regard to the contention of the parties and fact that applicant has placed on record certain documents to indicate that he has worked for 240 days for according him temporary status, Respondents are directed to verify the claim of the applicant and in the event if it is found that the applicant has worked for 240 days, he be accorded temporary status in accordance with DOPT Scheme of 10.9.93. In the event if the applicant has not completed requisite 240 days work, he may be considered for engagement in preference to juniors and outsiders. The direction shall be complied by the respondents within a period of two months from the date of receipt of a copy of this order.

No costs.

S. Raju
(SHANKER RAJU)
Member (J)