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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.2299 of 2000

New Delhi, this 4th day of May, 2001

HON'BLE SHRI KULDIP SINGH, MEMBER(J)

Rajinder Singh
S/o Shri Shiv Lal
R/o 832-1/2, Hira Park
Near Bahadurgarh Bus Stand
Najafgarh, New Delhi-43

.. Applicant

(By Shri D.R.Gupta, Advocate)

versus

1. Chief Controller of Accounts (Home)
Principal Accounts Office(Admn.)
Ministry of Home Affairs
North Block
New Delhi

2. Sr. Accounts Officer (Admn.)
Principal Accounts Office
Ministry of Home Affairs,
North Block
New Delhi 110001

.. Respondents

(By Shri M.K.Bhardeaaaj, proxy for Shri A.K.Bhardwaj,
Advocate)

ORDER(oral)

Applicant, who has been engaged by respondents sometime back as a casual labour, is stated to have been removed from service. Applicant also alleged that he has already worked for sufficient period for grant of temporary status and he has become eligible for grant of temporary status in terms of the DoP&T O.M. dated 10.9.1993 which is applicable even in respect of persons appointed after 10.9.1993.

2. Respondents, in their counter, have admitted that applicant was engaged as a casual labour by them with effect from 30.7.1996 to 2.1.1998 and on completion of the said period, he was disengaged and again he was

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engaged with effect from 4.5.99 to 31.7.1999 and further extended from 2.8.99 to 31.8.1999. Thus there is a categorical admission on the part of respondents that applicant worked on different spells during the aforesaid periods. However, the main objection of respondents is that the DoP&T's Scheme is not applicable in the case of applicant since he was not in employment as on 10.9.1993. It is stated that applicant has not completed 206 days of continuous service in one year.

3. I have heard learned counsel for the parties and perused the record.

4. The fact that applicant had been engaged by respondents in different spells is admitted by them in their counter affidavit. That shows that applicant had worked for sometime with respondents. If applicant fulfills conditions laid down in the aforesaid Scheme of DoP&T dated 10.9.1993 and has completed the requisite number of working days with respondents, they shall consider the case of applicant for grant of temporary status in preference to juniors and freshers after his re-engagement as casual labour as and when work will be available. No order as to costs.


(Kuldeep Singh)
Member (J)

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