

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.NO.2473/2000

Wednesday, this the 5th day of September, 2001

Hon'ble Shri Shanker Raju, Member (Jud1)

In the matter of

1. Rajender Kumar S/o. Sh. Gyanchand
R/o. 205 L, Savitri Nagar,
New Delhi-110017
2. Rajbir Singh S/o. Sh. Bajan Lal
R/o-Vill.- Sadullapur, PO-Vaidpura
Distt-Gautambudh Nagar(UP).
3. Surender Kumar S/o.Sh. Rambati Prasad
R/o. M-569, Mangol Puri
Delhi-83.
4. Narendra Singh S/o. Sh. Kunwar Singh
R/o.-724, Sec.4, Pushp Vihar
Delhi.
5. Surender Singh S/o. Late Trilok Singh
A-361, Minto Road, New Delhi-2
6. Ashok Kumar Rana S/o. Randhir Singh Rana
V&PO- Sohati (Sonepat)Haryana.
7. Dinesh Singh Bandari S/o. Jagat Singh Bandari
C-349, Sector-22, Noida.
8. Dewan Singh S/o. Kunwar Singh,
R/o- 1/148, Dr. Ambedkar Nagar,
Sector-5, Gali No.5, Delhi-62.
9. Vijay Kumar S/o.Sh. Phagu Prasad
R/o-B-708, Camp No.4, Jawala Puri,
Naglori , Delhi

Contd..2..

10. Rakesh Joshi S/o. Sh. Gopal Dutt Joshi
R/o. E-661 A,B, Pratap Vihar,
Ghaziabad (UP).
11. Besh Raj S/o. Suraj Mal,
V&PO- Kadarpur, Gurgaon, Haryana.
12. Rajbir S/o. Siya Ram,
H.No. 636, R.K. Puram,
Sector-5, New Delhi
13. Prem Chand S/o. Sh. Babu Ram
Village&PO- Bagahola, Tahsel-Palwal,
Distt-Faridabad, Haryana.
14. RAJEEV KUMAR Sh. DURGA Pd. ^{lly}
~~Mahtab Singh~~ S/o. ~~Kumar Singh~~
H.No. 724, Sector-4, Pushp Vihar,
New Delhi.
15. Harsh Kumar S/o. Sh. Ramesh Chand
Ward No. 3, Rupnavli Kuna,
Kali Ka Mandir, Meharuli N. Delhi
16. Mahesh Chand S/o. Sh. Prem Balph
I-363, Sarojni Nagar, New Delhi.
17. Lalji Prasad,
K-II/1150, Sangani Vihar,
New Delhi.

..Applicants.

(By Advocate: Shri U. Srivastava)

Versus

Union of India through

1. The Secretary,
Ministry of Human Resource & Development
Dept. of Culture, Shastri Bhawan,
New Delhi.
2. The Director General
Archaeological Survey of India
Janpath, New Delhi.

.. Respondents

(By Advocate: Shri S. M. Arif)

(22)

(3)

O R D E R (ORAL)

Heard the learned counsel for both the parties.

2. MA-2923/2000 for joining together in a single petition is granted.

3. The issue raised in this case is non-accord of temporary status and disengagement of the applicants despite they are amenable to the DOP&T's Scheme dated 10.9.1993. It is stated that out of 17 persons, 10 persons have been engaged by the respondents, who had earlier completed the requisite period which makes them eligible for accord of temporary status. The Contempt Petition No.461/2000 has been filed by the applicants and this Court by an order passed on 19.2.2001 has dismissed the same finding no willful or contumacious disobedience on the part of the respondents. The learned counsel for the applicants states that as per DOP&T's Scheme dated 10.9.1993 and its clause 4 (i) & (ii), nowhere it is mandated that the accord of temporary status would be given to a person who is in service. To substantiate his argument, the learned counsel for the applicants has placed reliance on a decision of this Court in Ramesh Chand Vs. Union of India & Ors. (OA-1338/1997), decided on 1.7.1997, wherein the applicant, who has been discharged on account of his injury, has been allowed to be accorded temporary status and directions were issued to the respondents to consider him on availability of work for engagement in preference juniors/freshers. In view of the matter, it is stated that the respondents are acted illegally by not engaging the applicants and according them temporary status. On the other hand, the learned counsel for the respondents stated that in

(4)

(23)

pursuance of the directions of this Court, they have engaged 10 persons as casual labourers and out of which, 3 are those, who are juniors to the applicants and they are maintaining a seniority list and in case there is an availability of work, which is admittedly there, the claims of the applicants would be considered for reengagement as well as accord of temporary status. It is also stated that the scheme does not envisage grant of temporary status to a person who is out of service or has been disengaged. It is further stated that the claim of the other persons, who had been engaged in compliance of the directions of this Court, would be considered for accord of temporary status in case they are found to have rendered 206 days and the impediment of Employment Exchange would not come in their way and in view of the decision of the Apex Court in Civil Appeal Nos. 504-505 of 1998 (Union of India & Anr. Vs. Sarjuk Prasad & Anr.), their claim would be considered, as the DOP&T's Scheme is an on going Scheme.

4. After considering the rival contentions of the learned counsel for both the parties, I find that the contention of the applicants that they are entitled for accord of temporary status, despite being put in the requisite service, is not legally sustainable. The applicants' claim, though justified as they had already rendered 206 days as casual labours and as the DOP&T's Scheme is an on going Scheme, they are eligible for being considered without stressing on the requirement of the sponsorship through Employment Exchange which has been otherwise held and has been done away on the basis of

several decisions of this Court. However, I find that the respondents' contention that they have maintained a seniority list and in case of availability of work, the same would be operated and the applicants would be engaged and would be considered for accord of temporary status on the basis of their claim having rendered 206 days of service as a casual labour, is justified. However, I find that the applicants are to be considered for accord of temporary status not on the basis of the work which they are rendering now in pursuance of this Court's directions but on the basis of having rendered 206 days and the respondents would take an appropriate steps to consider the same in accordance with DOP&T's Scheme and if they conform to the eligibility criteria otherwise.

5. In this conspectus, the OA is disposed of with the directions to the respondents to consider the claim of the applicants, those who are not engaged, for reengagement on the availability of work and as per their seniority. The aforesaid directions, after being engaged, should be considered for accord of temporary status on the basis of having rendered 206 days of service and being conforming to the eligibility criteria laid down in DOP&T's Scheme dated 10.9.1993. As regards the issue of engagement of three persons, who are juniors and have replaced the seniors on the basis of this Court's directions, it is clarified that they have to give way to their seniors and would be considered for reengagement as and when their turn comes in order of seniority. The above directions shall be strictly ^{complied with} ~~done~~

(6)

in accordance with seniority and within a period of three months from the date of receipt of a copy of this order.

6. In the circumstances, the OA is disposed of without any order as to costs.

S. Raju

(Shanker Raju)
Member (J)

/sunil/