

Central Administrative Tribunal
Principal Bench

M. A. 395/2000, M. A. 2093/2000 and
O. A. 328/2000

New Delhi this the 12 th day of September, 2000



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

1. Prem Chand,
S/o late Shri Om Prakash,
R/o RIF 756/35, Raj Nagar,
Palam Colony,
New Delhi.
2. Vinod Kumar,
S/o Shri Panna Lal,
R/o RIF 756/35, Raj Nagar 2,
Palam Colony,
New Delhi. Applicants.

(By Advocate Shri R.K. Shukla)

Versus

Union of India, through

1. Chief Controller of Accounts
Ministry of Finance,
Room No. 240B, North Block,
New Delhi.
2. Senior Accounts Officer,
(Admn. & Coord),
Office of the Chief Controller
of Accounts,
Ministry of Finance,
New Delhi. Respondents.

(By Advocate Shri K.C.D. Gangwani, Sr. Counsel)

O R D E R (ORAL)

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

Heard Shri R.K. Shukla, learned counsel for the applicant and Shri K.C.D. Gangwani, learned counsel for the respondents on M.A. 395/2000, MA 2093/2000 and OA 328/2000

2. MA 395/2000 has been filed by the applicants under Rule 4(5) (a) of the CAT (Procedure) Rules, 1987 for

13:

permission to file a joint application. That MA is unopposed. MA 395/2000 is accordingly allowed.

(V)

3. In this O.A., the applicants, two in number have prayed for a direction to the respondents to confer 'Temporary Status' upon them in terms of the DOP&T instructions dated 10.9.1993 and to reengage them as casual labourers in preference to juniors and outsiders in future vacancies.

4. Admittedly, as submitted by Shri R.K. Shukla, learned counsel, during the pendency of the present O.A., the applicants have been re-engaged by the respondents as casual labourers. In view of this fact, the aforesaid second prayer has become infructuous.

5. In the reply filed by the respondents, they have submitted that the applicants have not completed the requisite period for grant of 'Temporary Status' in terms of the aforesaid DOP&T Scheme and, therefore, this being a factual position which has not been successfully controverted by the applicants, the question of directing the respondents to confer 'Temporary Status' on the applicants does not arise at this stage.

6. The applicants have filed MA 2093/2000 seeking a direction that while disposing of the OA, a further direction may be given to the respondents not to disengage or replace them by freshers/outsiders till they are conferred 'Temporary Status' and further regularised in available Group 'D' posts. Shri K.C.D. Gangwani, learned

Sr. Counsel has submitted that no such direction is called for as the respondents will have to comply with the provisions of law, namely, that a casual labourer should not be replaced by fresher/ outsider contrary to the settled law on this subject.

(S)

7. Noting the ~~the~~^{alone} submission of the learned counsel for the respondents, there appears to be no necessity to issue further directions as prayed for in MA 2093/2000 except to confirm that it is open to the respondents to take further action in accordance with law only.

8. O.A. 328/2000 and M.A. 2093/2000 are disposed of accordingly. No order as to costs.

Lakshmi Swaminathan
(Smt. Lakshmi Swaminathan)
Member (J)

~SRD~