

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA 828/2000
MA 1016/2000

New Delhi, this the 1st day of January, 2001

Hon'ble Sh. Govindan S. Tampli, Member (Admn)

1. Shri Anil Kumar
S/o Shri Haridwar Paswan
R/o 215, Sec-2, Type-I
Sadiq Nagar, New Delhi.
2. Shri Vasudev
S/o Sh. Ramphal
R/o Village & Post, Harsana Kala,
Distt. Sonipat, Haryana.
3. Shri Rajender Prasad
S/o Sh. Harikishan
R/o B-14, DESU Colony
Timar Pur, New Delhi - 110054.
4. Shri Ravinder Prakash
S/o Sh. Shankar Lal
R/o 82, Mahabat Khan Road,
Near Tilak Bridge Railway Station
New Delhi - 110002.
5. Shri Lal Bahadur
S/o Sh. Ramvilas Yadav
R/o CN-169, Gali No.2
Sewa Sadan Marg, Mandawali
New Delhi - 110092.

...Applicants

(By Advocate : Dr. M.P.Raju)

V E R S U S

1. Union of India
through its Secretary
Ministry of Supply
Nirman Bhawan
New Delhi - 110001
2. The Under Secretary
Directorate General of Supplies
and Disposals
Jeevan Tara Building
5, Parliament Street
New Delhi - 110001

...Respondents

(By Advocate : Sh. D.S.Jagotra)

O R D E R (ORAL)

Sh. Govindan S. Tampli.

Grant of temporary status and regularisation
of casual labourers is the matter impugned in this
application. In this case, the applicants who have

been working with the organisation of DGS&D from 1993 have not been granted the temporary status inspite of the scheme enunciated in DOPT's memorandum No. 5.1016/2/90-Estt. (C) dated 10-9-93. Reason for not granting the temporary status appears to be that the applicants were not on the rolls of DGS&D on a particular date and the organisation had considered the scheme of 1993 only as an one time measure. Dr. Raju, learned counsel for the applicant, brings to my attention to the fact that Hon'ble Delhi High Court had already decided that it is not an one time measure but an ongoing scheme and, therefore, individual's case should have been considered. In fact out of six persons similarly placed only one person had been granted the status, while the remaining five, who are the applicants are languishing.

2. Shri Jagotra, learned counsel for the respondents indicates that the application was pre-mature and that they had not come to the department at any stage ^{Nil} ~~of the~~ representation. On being shown the letter dated 9.3.93, addressed by six persons including all the applicants, ~~addressed to~~ ² DGS&D placed at Annexure-II, Shri Jagotra states that this representation has been highjacked by them and that unless the representation is on record, nothing can be done.

3. I have duly examined the matter. In view of the findings of the Hon'ble High Court of Delhi, I find that there would be *prima facie* a case for the applicants. At the same time, the respondents plead that there would have to be some correspondence for

them to act upon. Their version that the respondents have themselves hijacked their own representation dated 9.3.99 is a bit too thick to be accepted. Still in the interest of justice, I would like the respondents to examine it at their end provided the applicants furnish a fresh representation or a copy of their earlier representation. Sh. Jagotra undertakes that the respondents would do it promptly.

(3)

4. In the circumstances, the respondents are directed to consider the representation of the applicants within two months from the date of receipt ~~sdof~~ a copy of this order, also keeping in mind the decision of the Hon'ble Delhi High Court. The applicants also should enclose with the copy of the representation the relevant decision of the Court. I am disposing of the OA with the ^{above} directions to the respondents that if this is not done within two months, as directed the applicants would have a liberty to come before this Tribunal for redressal of their grievance.

Govindan S. Tampi

Govindan S. Tampi
Member (Admn)

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