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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI.

Regn.No.OA 1172/1991

Date of decision: 27.04.1992

Shri Allah Mehr

...Applicant

Vs.

Union of India & Others

...Respondents

For the Applicant

...Shri B.S. Mainee, Counsel

For the Respondents

...Shri B.N. Mani, Counsel

CORAM:

The Hon'ble Mr. P.K. Kartha, Vice Chairman(J)

The Hon'ble Mr. I.K. Rasgotra, Administrative Member

1. Whether Reporters of local papers may be allowed to see the Judgment? *Yes*
2. To be referred to the Reporters or not? *No*

JUDGMENT

(of the Bench delivered by Hon'ble Mr. P.K. Kartha,  
Vice Chairman(J))

We have heard the learned counsel of both parties. The relief sought in the present application is that the respondents be directed to confer temporary status on the applicant from the date from which he has completed 120 days of continuous service. He has also prayed for giving to him regular pay scale from the date of completion of 120 days of continuous service.

2. The respondents have stated in their counter-affidavit that the applicant was issued a medical memo for medical examination and vision test for regularising him in the temporary service but he is absconding from duty from 15.04.1991. According to them, till the applicant gets medical fitness certificate issued by the Medical Officer concerned, he cannot be given temporary status.
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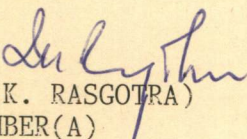
The respondents have, however, admitted that he has acquired temporary status as Gangman but due to non-fulfilment of medical examination conditions, he will not get the benefit of that status.

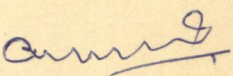
3. The learned counsel for the applicant stated that before getting appointed as Gangman, the applicant was medically examined.

4. After hearing both sides, we dispose of the present application at the admission stage itself with the direction to the respondents to confer temporary status on the applicant and give all attendant benefits thereof after the applicant fulfils all the requirements for the conferment of such status in accordance with the relevant rules and instructions. The respondents should issue a fresh memo to the applicant for appearing before the medical authority concerned for the purpose of ascertaining his fitness for regularisation. If he is found medically fit, the applicant should be given the benefit of temporary status from the date he completed 120 days of continuous service. The respondents shall comply with the above directions within a period of three months from the date of receipt of this order.

5. In case the applicant feels aggrieved by the decision of the authorities concerned, he will be at liberty to file a fresh application in accordance with law, if so advised.

There will be no order as to costs.

  
(I.K. RASGOTRA)  
MEMBER(A)  
27.04.1992

  
(P.K. KARTHA)  
VICE CHAIRMAN(J)  
27.04.1992

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