

CENTRAL ADMINISTRATIVE TRIBUNAL : PRINCIPAL BENCH

OA 394/2004

New Delhi, this the 16th day of February, 2004

Hon'ble Sh. Sarweshwar Jha, Member (A)

Sh. Sukendra Kumar
S/o Sh. Rohtas Kumar
C/o Sh. Gyanvir Singh
R/o C-186, Old Seema Puri
Delhi.

.....Applicant
(By Advocate Sh. T.D. Yadav)

V E R S U S

1. Union of India through
Secretary, Ministry of Finance
Dept. of Revenue
Central Board of Excise & Customs
New Delhi.
2. The Commissioner (Hqrs.)
Central Excise & Customs
Commissionerate, Meerut.

.....Respondents

O R D E R (ORAL)

Shri Sarweshwar Jha,

Heard. The applicant has claimed that he was initially appointed as casual labourer by the respondents in 1994 and continued to work as such up to 1998. He further continued to work up to 2002 with occasional breaks of one month, six months and one year. He is reported to have been re-engaged on 22-11-2002 as a casual labourer and worked up to 8-9-2003 without any break under the respondents. He has also claimed that his services were satisfactory and that he had completed 240 days in a calendar year from 1994 to 1998 in the respondents' organisation. While he had prayed for temporary status being granted to him, no action seems to have been taken by the respondents in that regard. A copy of his representation in this connection dated 18-1-2000 is annexed at Annexure A.

2. The applicant has complained that while his juniors whose names have been given in para 4.6 of the OA

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have been granted temporary status and while they have been continuing to work in the respondents' organisation, he has been dis-engaged. He has also complained that some freshers have been taken by the respondents while the respondents have informed him that his case for regularisation cannot be considered, as it is not covered under the 1993 Scheme under which he should have been employed as a casual labourer prior to 10-9-93. They have also informed him that there is no work available for him for the present and, therefore, he cannot be re-engaged.

3. Lt. counsel for the applicant, in this connection, has cited the decisions of this Tribunal in OA 523/99 decided on 14-9-99 in which a similar case has been dealt with and directions have been issued to the respondents. He has submitted that the respondents could be directed to re-consider his case in the light of the decisions of this Tribunal as given in the said OA.

4. Having regard to the facts and circumstances of the case and also the decision of this Tribunal in OA 523/99 as referred to by the applicant, I am of the view that it would be appropriate that this OA is disposed of at this stage itself while hearing on the point of admission with directions to the respondents to look into this OA by treating it as a representation of the applicant and consider it in the light of the decisions of this Tribunal as referred to hereinabove and to dispose it of by issuing a reasoned and speaking order as per law within a period of three months from the date of receipt of a copy of this order. It may,

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however, be made clear that I have not opened my mind on the merit of the case while giving the above directions.

5. OA stands disposed of accordingly.

Sarweshwar Jha

(Sarweshwar Jha)
Member (A)

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