

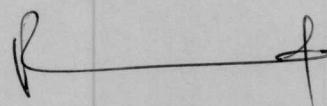
OPEN COURTCENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH ALLAHABAD.

Original Application No.121 of 1997.

Friday this the 28th of day of February, 2003.

Hon'ble Mr.Justice R.R.K Trivedi, V.C.

1. Narendra Kumar Son of Sri Devi Singh aged about 31 years a resident of House No.180 Mohalla Chahbai Bareilly (U.P. presently is working as a Casual Labour with a temporary status on Group 'D' Post in the Pass Port Office Bareilly under Ministry of External Affairs Government of India New Delhi B.D.A. Building Izatnagar Nainital Road, Bareilly (U.P)
2. Atul Krishn Saxena s/o Jagdish Saran Saxena aged about 31 years c/o K.L. Saxena House No.320 Gulab Nagar, Bareilly, (U.P. presently to working as a Casual Labour with a Temporary Status as Group 'D' Post in the Pass Port Office Bareilly under Ministry of External Affairs Government of India, New Delhi B.D.A. Building Izatnagar, Nainital Road, Bareilly (UP)
3. Aleem Husain s/o Sarfaraz Husain aged about 28 years 556 Zakhira Bazaria, Bareilly U.P. presently is working as Casual Mazddor with a Temporary Status as Group 'D' post in the Pass Port Office Bareilly under Ministry of External Affairs Government of India, New Delhi B.D.A. Building Izatnagar Nainital Road, Bareilly (U.P.)
4. Dal Chand s/o Daya Ram aged about 24 years R/o Village P.O. Dhaunrara District Bareilly U.P. presently is Working as a Casual Labour with a Temporary Status on Group 'D' Posts the office of Pass Port Office Bareilly under Ministry of External Affairs Government of India New Delhi B.D.A. Building Izatnagar, Nainital Road, Bareilly, U.P.
5. Ganga Dutt s/o aged about 31 years R/o 52/137 Shiv Puri Colony Izatnagar Bareilly (UP) presently is working as a Casual Labour with a Temporary Status as Group 'D' (Post in the Pass Port Office Bareilly under Ministry of External Affairs Government of India New Delhi B.D.A. Building Izatnagar, Nainital Road, Bareilly U.P.
6. Bhagmal Singh s/o aged about 31 years R/o Jawahar Nagar, Bareilly (UP) Presently is working as a Casual Labour with a Temporary Status as Group 'D' Post in the Office of Pass Port Office Bareilly under Ministry of External Affairs Government of India New Delhi B.D.A. Building Izatnagar, Nainital Road, Bareilly (U.P.)
7. Dhrub Kumar Singh S/o Shri Raj Mangal Singh aged about 29 years R/o C/o S.C. Kankan, 418 Kankan Bhawan Bhoor Bareilly presently is working as a Casual Labour with a Temporary Status on Group 'D' posts in the Office of Pass Port Office, Bareilly under Ministry of External Affairs, Government of India, New Delhi B.D.A. Building Izatnagar, Nainital Road, Bareilly (U.P.).



8. Ramshish Prasad s/o Sri Ram Chander Prasad aged about 35 years r/o LIC 54 A Colony Bareilly (U.P.) presently is working as a Casual Labour with a Temporary Status as Group 'D' post to the Office of Pass Port Office Bareilly under Ministry of External Affairs, Government of India, New Delhi, B.D.A. Building Izatnagar, Nainital Road, Bareilly (U.P.)

9. Sanjay Kumar Pandey s/o Shri Bharat Ji Pandey c/o D.P. Sharma 381 Indira Nagar, Bareilly, a/a 29 years Presently working as a Casual Labour with a temporary status as Group 'D' post in the Office of Pass Port Office, Bareilly under M/o External Affairs, Govt. of India, New Delhi, B.D.A Building, Izatnagar, Nainital Road, Bareilly (UP).

10. Gauri Shyam Saxena S/o Roshan Lal Saxena a/a 29 years. R/o Mohalla- Gudarbagh R/o C/o P.P. Singh Thakur, Distt. Bareilly. Presently working as a Casual Labour with a temporary status on Group 'D' post in the Pass Port Office, Bareilly under M/o External Affairs, Govt. of India, New Delhi, B.D.A building, Izatnagar, Nainital Road, Bareilly (UP).

11. Ram Nath S/o Late Ram Khilawan a/a 29 years C/o Bhagwan Swaroop Saxena, 153, Chahbai, Bareilly, Presently working as Casual Labour with temporary status as Group 'D' post in the office of Pass Port Office, Bareilly under M/o External Affairs, Govt. of India, New Delhi, B.D.A Building, Izatnagar, Nainital Raod, Bareilly.

12. Harish Kumar S/o Sri Siya Ram a/a 32 years R/o Vill. Labhera Post Labhari Distt. Bareilly. Presently working as a Casual Labour with a temporary status on Group 'D' post in the office of Pass Port Office under M/o External Affairs, Govt. of India, New Delhi, B.D.A Building Izatnagar, Nainital Road, Bareilly.

13. Rajesh Kumar S/o Sri Diwan Ram a/a 24 years R/o Udaipur Khas D- 114, Patel Nagar, Bareilly. Presently working as Casual Labour with a temporary status as Group 'D' post in the office of Pass Port Office, Govt. of India, New Delhi, B.D.A Building, Izatnagar, Nainital Raod, Bareilly.

14. Promod Kumar s/o Shyamlal a/a 28 years r/o House no. 323 c/o Ram Lal Maurya 323 Near Maurya Sadan Mohalla Malook pur, Bareilly (U.P.). Presently is working as a Casual Labour, with a Temporary Status on Group 'D' post in the office of pass port office Bareilly Under Ministfry of External Affairsm Government Of India, New Delhi B.D.A Building Nainital Road, Ezzatnagar, Bareilly (U.P.).

15. Babu Khan s/o Chhidan Khan a/a 28 years r/o Rehmat Bagh Mohalla Hazipur Ambedkar Nagar near new Imambara old City Bareilly (U.P.). Pfesently is working as a Casual Labour, with a Temporary Status as GroupD' post in the office of pass port office Bareilly under Ministry of External Affairs, Government of India, New Delhi B.D.A Building Nainital Road Bareilly (U.P.).

16. Kaushal Singh s/o Shri Chetra Pal Singh a/a 28 years r/o 43 Cantt. Badan Road, Bareilly (U.P) presently is working as a Casual Labour, with Temporary status as group 'D' post in the office of pass port officer, Bareilly under Ministry of Extenal Affairs, Government of India, New Delhi BDA Building, Nainital Road, Bareilly District Bareilly, (U.P)Applicant.

Counsel for the applicants:- Sri R.C. Pathak

V E R S U S

1. Union of India through the Secretary, M/o External Affairs, Govt. of India, New Delhi.
2. The Chief Pass Port Officer the Joint Secretary (CPO), The Office of the Chief Passport Officer, M/o External Affairs, Govt. of India, New Delhi.
3. Sri Harish Chander, Administrative Officer (PV IV) (CPV Division), M/o External Affairs, Govt. of India, New Delhi.
4. The Passport Officer, The Office of the Passport Officer, M/o External Affairs, Govt. of India, B.D.A Building, Izatnagar, Bareilly.

.....Respondents

Counsel for the respondents :-Sri D.S. Shukla

O R D E R (Oral)

By this O.A filed under section 19 of the Administrative Tribunals Act, 1985, the applicants, who are 16 in number, have challenged the order dated 17.10.1997 by which respondents have directed to withdraw the temporary status and to recover the amount illegally paid to them. A copy of the order has been filed as annexure- 1. The correct dated of the order is 17.01.1997 which has been wrongly mentioned in the relief clause as 17.10.1997.

2. From perusal of the order it is clear that it does not refer to the applicants in any manner either with regard to withdrawal of the temporary status or with regard to recovery of any amount. The order has been passed in context with one Sri Narendra Kumar who had filed O.A No. 107/95. In the circumstances, there is no question for interference by this Tribunal at this stage.



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3. Learned counsel for the applicant however, submitted that the Lucknow Bench of this Tribunal in O.A No. 551/94 and 555/94, which have been decided on 27.04.2001 by a Division Bench, has taken view that temporary status cannot be withdrawn nor the amount can be recovered. A copy of the judgment has been placed before me. As there is no order on record ^{& indicating} ~~undertaking~~ that any step has been taken against the applicants regarding recovery of the amount or withdrawal of the temporary status, no interference is required. However, it is left open to the applicants to place the order dated 27.04.2001, if any such step is taken by the respondents in future.

4. Subject to aforesaid the O.A is disposed of finally with no order as to costs.

Vice-Chairman.

/Anand/