

Open Court

Central Administrative Tribunal,
Allahabad Bench, Allahabad.

Dated: Allahabad, This The 28th Day of February, 2000.

Present:— Hon'ble Mr. S. Dayal, Member (A.)

Original Application No. 666 of 1998.

Surya Bhan Prajapati
s/o Sri Dukhi Prajapati
164 H.I.G.
Indrapuram
Dehradun (U.P.)

... . Applicant.

(through Sri R.D. Singh, Adv.)

Versus

1. Government of India
Ministry of Industry,
Office of the Development Commissioner,
(Small Scale Industries)
Nirman Bhawan,
New Delhi-110011.
2. Regional Testing Centre (N.R.)
Capt. Shahid Gaur Marg,
Okhla Industries Estate,
New Delhi.-110020.
3. Director,
Small Industries Service Institute,
Industrial Estate,
Kalpi Road, Fazalganj,
Kanpur.-208012.
4. Deputy Director (Incharge)
Field Testing Station
Road No. 8, Patel Nagar,
Dehradun- 248001.
5. Asstt. Director (Incharge)
Field Testing Station,
Industrial Estate, Patel Nagar,
Dehradun. 248001.

... . Respondents.

(Through Kumari Sadhna Srivastava, Adv.)

Order (Open Court)

(By Hon'ble Mr. S. Dayal, Member (A.)



This application has been filed for

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direction to the respondents to confer temporary status upon the applicant from the date he became eligible for conferment of temporary status and direct the respondents to regularise the applicant on the vacant post of Peon.

2. The applicant has stated in the O.A. that he was engaged as casual labourer in the year 1990 on the Muster Roll and has been continuously working as casual labour since that date. He claims that the scheme for conferment of temporary status was revised in 1993 and it was provided that whoever had worked continuously upto 1.9.93 for one year was entitled to the benefit of the scheme. He claims that his representations seeking benefit on the scheme were not considered by the respondents and that he was not conferred temporary status and regularised against the post of Peon lying vacant in the department since 1.8.97.

3. The case was listed for hearing today but none remained present for the applicant nor was there any prayer for adjournment on behalf of the applicant or his counsel hence arguments of Kumari Sadhna Srivastava, learned counsel for the respondents have been heard.

4. The learned counsel for the respondents has drawn attention to paragraph 8 of the C.A. in which it has been mentioned that the applicant had been granted temporary status with effect from 22.12.98. The learned counsel for the respondents also referred to Annexure C.A-1 dated 22.12.98 in which conferment of temporary status to the applicant is ordered.

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5. As far as the question of regularisation of the applicant is concerned, the learned counsel for the respondents has drawn attention to paragraph 10 of the C.A. in which it has been mentioned that no vacant post at Field Station Dehradun existed and therefore the applicant could not be regularised. The respondents have, however, accepted the claim of the applicant for regularisation in his turn as and when vacancy for which he is qualified becomes available.

6. The only question remains is now whether conferment of temporary status with effect from 22.12.98 ~~is~~ ^{should} remained or whether the applicant was entitled to such benefit on an earlier date. Since the applicant has not mentioned any particular date from which he considers himself to be eligible, although by application he claims temporary status with effect from 1.9.93, we leave it to the respondents to consider this claim of the applicant and pass suitable orders thereon.

7. The application stands disposed in above terms. No order as to costs.


Member (A.)

Nafees.