

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 31st day of May, 2002.

Original Application No.1177 of 1998.

CORAM :-

Hon'ble Mr. CS Chadha, A.M.

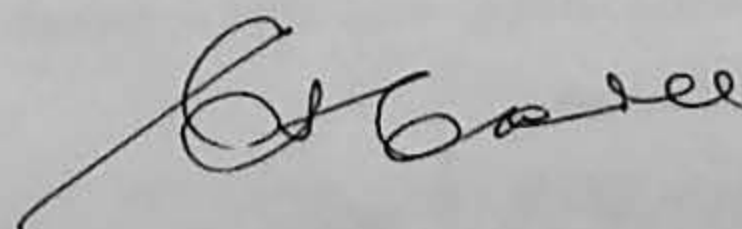
1. Arvind Singh Sengar,
Son of Shri KP Singh,
R/o 554/1-A, Rajapur,
Allahabad.
2. Ramu S/o Shri Kishan Lal,
R/o 150, Sadar Bazar.
3. Chandra Shekhar,
S/o Shri Chunni Ram,
R/o Room No.G-21, Central Excise Colony,
6, Muir Road, Allahabad.
4. Ramesh Chandra Yadav,
S/o Shri R.R. Yadav,
R/o Village Pataipur, Soraon,
Allahabad.

(Sri KK Mishra, Advocate)

. Applicants

Versus

1. Union of India through Secretary,
Central Board of Excise & Customs,
Ministry of Finance, Department of Revenue,
New Delhi.
2. Chief Commissioner,
Central Excise & Customs,
Kanpur.
3. Commissioner,
Central Excise & Customs,
Allahabad.



4. Deputy Collector,
Personnel and Vigilance,
Central Excise & Customs,
Allahabad.
5. Superintendent (Headquarters)
Central Excise & Customs,
Allahabad.

(Sri A.P. Singh, Advocate)

. Respondents

O R D E R (O_r_a_l)

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

The brief point in this case is whether the applicants can be given the benefit of the scheme of announced by the Department of Central Excise on 10-9-93. Those persons working as casual labours and had completed 240 days on the cut off date on 1-9-1993 were to be given temporary status.

2. The applicants although have allegedly completed more than 240 days service in the said department have done so after the cut off date. The main claim of the respondents is that the scheme of 1993 was a one time scheme and the benefit to those who had completed 240 days after the said cut off date cannot be given that benefit. In support of their arguments the respondents have cited the judgement of this Tribunal passed on 12-7-2001 in OA No.504/1994 in which the bench held, "it is not disputed that the applicants were not in employment on 1-9-1993 from which date the scheme has been made applicable. In the circumstances the applicants cannot be given the benefit of the scheme.". The OA was dismissed and, therefore the learned counsel for the respondents had claimed that acting in accordance with the principles laid down in the

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said judgement, the claim of the applicants ~~are~~ also to be rejected.

3. On the contrary, learned counsel for the applicants has cited two other important judgements of the CAT in OA No.2158 of 1999 of the Principal Bench decided on 9-2-2000 between Anup and others Vs. UOI & Others. The Principal Bench held that the denial of temporary status and consequential benefits on the ground that the scheme was a one time measure applicable only to those who had completed the requisite number of service days upto September 1993 was not justified. Similarly in the case of KM Baddudeen ^{6/6/2001} and Ors Vs UOI & Ors (1997) 35 ATC 227, Ernakulam Bench of the CAT held that the cut off date mentioned in the said scheme had no special sanctity except that it was a date on which the scheme came into force. The respondents, therefore, have been directed to reconsider the matter.

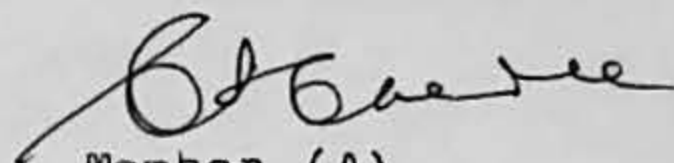
4. The Full Bench of CAT at Chandigarh in Bhuri Singh and another Vs. UOI & Ors in OA No.1146-HP-1996 decided on 3-10-2001 laid down the principles that such schemes are not meant for one time sanction and that they shall be applicable to casual labourers who are employed thereafter. Although the said judgement relates to another scheme of casual labourers in the Department of Telecommunication, which became applicable from 1-10-1989, the same principles of law is applicable to the scheme referred to in this case. In yet another judgement of the Principal Bench of CAT in OA No.2198 of 2001 decided on 6-12-2001 (Dinesh Kumar and others Vs UOI & Ors), the Principal Bench also held that the scheme of 1993 which is applicable in the present case is not one time measure but an ongoing scheme. Directions were given in that case to the respondents to consider the applicant for grant of

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temporary status in accordance with the scheme.

5. Placing reliance on the Full Bench judgement of the CAT decided on 3-10-2001 in Bhuri Singh's case and the last mentioned case of Dinesh Kumar, I allow the OA and direct the respondents to consider granting of temporary status to the applicants if it can be verified that they

have worked for more than 240 days in accordance with the scheme of 1993. *The compliance of this order be made within three months from today.* There shall be no order as to costs.


Member (A)

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