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RESERVED

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.**

ORIGINAL APPLICATION NO. 1371 OF 2005 (U)

ALLAHABAD THIS THE ^{11th}~~10th~~ DAY OF JANUARY 2008.

Hon'ble Mr. Justice Khem Karan, V.C

1. Vinod Kumar Ghariyal aged about 39 years, son of late Shri Sher Singh Ghariyal.
2. Harish Ram, aged about 36 years, son of late Shri Bhawani Ram.
3. Chandan Singh, aged about 33 years, s/o late Shri Khadak Singh.
4. Deep Chandra, aged about 27 years, s/o Shri Hari Prasad, all resident of C/o Shri Vinod Kumar Ghariyal, R/o Village Danuwa Dhunga Bandobast, Post Kathvidavi, District Nainital (Uttaranchal), all presently working as full time casual labours (Waterman-cum-Farras), Railway Mail Service "BL" Division, Bareilly (UP).

.....Applicant

(By Advocate: Shri Rakesh Verma)

Versus.

1. Union of India through Secretary, Ministry of Communication & I.T. Department of Post, Dak Bhawan, Sansad Marg, New Delhi.
2. The Post Master General, Bareilly Region, Bareilly.
3. The Superintendent, Railway Mail Service (RMS), "BL" Division, Bareilly (UP).

.....Respondents

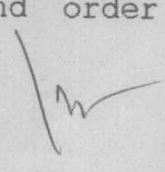
O R D E R

It is prayed that the impugned orders dated 7.3.2005 and 6.7.2005 issued by respondent NO. 3 withdrawing the temporary status earlier granted to the applicants, be quashed and respondents be directed to extend the benefit of decision of Principal Bench in OA NO. 2109/02, Sukhpal and others Vs. Union of India and others, to the

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applicants and to grant them other benefits at par with Group 'D' employee on completion of three years continuous service with temporary status.

2. It is averred by the applicants that they were engaged as part-time casual labours w.e.f. 31.1.1985, 12.4.1985, 7.9.1985 and 29.6.1992 respectively and were subsequently allowed to work on full time basis w.e.f. 21.10.1998, 6.9.1999, 6.9.1999 and 11.11.1998 respectively and on the basis of their working, were conferred temporary status w.e.f. 1.1.2001 vide order dated 27.12.2001 (Annexure A-III). They say by the same order dated 27.12.2001, Guru Dayal Saxena, Girish Chandra and Sukhpal were also conferred temporary status in accordance with Casual Labour (Grant of Temporary Status and Regularization Scheme) 1991. They go on to state that when the respondents cancelled order dated 27.12.2001 vide letter dated 29.5.2002, the abovementioned Sukhpal, Guru Dayal Saxena and Girish Chandra challenged the same before the Principal Bench of this Tribunal by filing O.A. NO. 2109 of 2002, which the Principal Bench allowed vide order dated 14.10.2003 (Annexure A-V) and in compliance of said directions dated 14.10.2003, those three persons were granted temporary status with all consequential benefits (Annexure A-VI). According to them, their cases are identical to the cases of those three applicants in OA No. 2109 of 2002 and so they are entitled to the benefit of judgment and order dated



14.10.2003 but by the impugned communication dated 7.3.2005 (Annexure A-I), the respondents have refused to give them that benefits and have also cancelled grant of temporary status vide their communication dated 6.7.2005 (Annexure A-II).

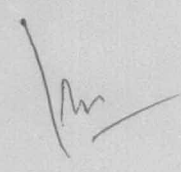
3. The respondents have filed written reply. They do not dispute that vide order dated 27.12.2001 (Annexure A-III), all these four persons together with Sukhpal, Guru Dayal Saxena and Girish Chandra (applicants in OA NO. 2109/02) were conferred temporary status vide order dated 27.12.2001 and after that order dated 27.12.2001 was cancelled vide communication dated 5.2.2002, those three persons filed O.A NO. 2109/02 before the Principal Bench of this Tribunal and the O.A was allowed vide order dated 14.10.2003 and that judgment became final. They also do not dispute that in compliance of said decision dated 14.10.2003, those three persons were restored to their original position vide order dated 20.1.2005 (Annexure A-VI) with all consequential benefits. What they say is since scheme of granting temporary status, regularization etc. contemplated conferment of such status only on those full time casual labours, who were recruited after 29.11.1989 upto 1.9.1993 and since these applicants did not fall in that category, so were wrongly conferred temporary status vide order dated 27.12.2001 and so respondents were perfectly justified in cancelling that conferment and in not conferring temporary status on



them. They want to say that the scheme was a one-time measure and was not a continuing one.

4. I have heard Shri Rakesh Verma appearing for the applicant and Shri S. Singh, the learned counsel for the respondents and have perused the entire material on record.

5. Shri Rakesh Verma, the learned counsel for the applicant has vehemently argued that if the cases of those four applicants are identical to the case of those three persons, who filed OA. NO. 2109/02 before the Principal Bench, and whose positions were restored in compliance of the decision dated 14.10.2003, then there is no reason with the respondents to deny the benefit of said judgment to the present applicants. The learned counsel goes on to argue that decision dated 14.10.2003 of Principal Bench in the said OA, proceeded on the basis that the scheme of conferment of temporary status and regularization, was a continuous scheme and was applicable also to casual labours, employed after 1.10.1989. He says, now the respondents cannot say that the applicants were not entitled to conferment of temporary status because they were taken on full time basis after 1.9.1993. Learned counsel has taken me through the entire judgment dated 14.10.2003 so delivered by Principal Bench in the said O.A.



6. Shri S. Singh, the learned counsel for the respondents has not been able to show as to how the case of these applicants' could be said to be different to the cases of said three applicants, of O.A. NO. 2109/02. I am of the view that cases of all these four applicants are identical to the cases of the applicants in O.A. No.2109/02, hence all these four are also entitled to the benefit of judgment dated 14.10.2003, so rendered by Principal Bench.

7. So the impugned communications dated 7.3.2005 (Annexure A-1) and 6.7.2005 (Annexure A-II) are hereby quashed with a direction to the respondents to give the benefits with all consequential ~~benefits~~ to the applicants, which they have given to the applicants of O.A. NO. 2109/02, Sukhpal and Ors. Vs. U.O.I and Ors and to consider their cases for regularization etc. as per scheme of 1991. This shall be done within a period of three months from the date, a certified copy of this order is so received by respondents NO. 2 and 3.

9. With these directions, the O.A. stand disposed of.

No costs.

[Signature]
11.1.08

Vice-Chairman