

OPEN COURT
CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH : ALLAHABAD

ORIGINAL APPLICATION NO.1401 OF 2003

ALLAHABAD THIS THE 3rd DAY OF APRIL 2009

HON'BLE MR. JUSTICE A. K. YOG, MEMBER-J

Ajai Kumar Singh,
Aged about 37 years,
Son of Shri Raj Bahadur Singh,
R/o Village-Chauri Khas,
Post-Maholi, Tehsil-Lalganj,
District-Azamgarh.

..... .Applicant

By Advocate : Shri Rakesh Verma

Versus

1. Union of India, through the Secretary,
Ministry of Finance,
Department of Revenue,
New Delhi.
2. The Assistant Commissioner Customs,
(Prev.) Division, District-Gorakhpur.

..... . Respondents

By Advocate : Shri Anil Dwivedi

ORDER

1. Heard, Shri Rakesh Verma, Advocate on behalf of the applicant and Shri Anil Dwivedi, Advocate on behalf of the respondents. Perused the pleadings and the documents annexed therewith.
2. Applicant claims to have been engaged initially as contingent paid Casual Labour on 28.1.1989. According to him he worked till 31.12.1994 when his services were dispensed with originally. He filed OA No.142 of 1995. The Tribunal directed concerned authority to decide his representation. The applicant

(JAS)

submitted his representation which has been rejected vide impugned order dated 5.9.2003/Annexure-1 to this OA. Being aggrieved applicant filed OA seeking to set aside said order dated 5.9.2003/Annexure-1 from the pleadings. In the OA it is clear that applicant is claiming benefit of reengagement/regularization etc. as per scheme formulated by the Government in 1993/Annexure-3 to the OA; copy of which said to have been filed as Annexure-3 to the OA. I have perused it, the scheme is called 'Casual Labourers (Grant of Temporary Status and Regularization) Scheme of Government of India, 1993. Clause 2 of the said scheme reads:-

"This scheme will come into force with effect from 1.9.1993".

Perusal of said scheme shows that there are certain contingencies and conditions which are required to be looked into whether one can seek benefit of the same.

3. On the other hand, Shri Anil Dwivedi Advocate has drawn my notice to Government of India, Ministry of Finance, Department of Revenue, Central Board of Excise and Customs letter dated 30.03.1992/Annexure CA-1 to show that a Casual Labour who are engaged/recruited after 30th July 2007, was not entitled for regularization. He has also referred to the clarification issued by Government of India, Ministry of Personnel, Public Grievances and Pensions letter dated 12.7.1994/Annexure CA-2.

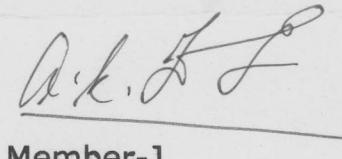
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4. Since the rival contention of the parties require examination of facts, it is also clear that Annexure CA-1 is not relevant as far as the applicability of the scheme 1993(referred to above is concerned) Prima facie is not relevant.

5. Be that as it may, apparently grievance of the applicant has not been considered by the concerned authority under 'Casual Labourers (Grant of Temporary Status and Regularization) Scheme of Government of India, 1993.

6. Accordingly, I direct the applicant to file a parawise comprehensive representation to the concerned competent authority before respondent no.2/The Assistant Commissioner Customs (Prev.) Division, District-Gorakhpur along with certified copy of this order as well as present OA with all annexures within six weeks from today and if such representation is filed (as stipulated/contemplated above) shall decide the same by passing a reasoned/speaking order in accordance with law exercising unfettered discretion within three months of receipt of said representation (provided it is filed within the time stipulated above). Decision taken shall be communicated to the applicant forthwith.

7. OA stands finally disposed of subject to above directions.
No Costs.



Member-J

/ns/