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Open Court

**CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD**

**Misc. Application No. 1933 of 2007
Alongwith
Original Application No. 964 of 2007**

Thursday, this the **04th** day of **October** 2007

Hon'ble Mr. K.S. Menon, Member (A)

Uma Shankar Sharma, Son of Babulal, Resident of Village and Post Karahara, District Agra.

Applicant

By Advocate Shri Satyajit Mukerji

Versus

1. Union of India through the Secretary, Ministry of Defence, D.H.Q. Post Office, South Block, New Delhi.
2. Chief of the Air Staff, Air Force Head Quarters, Vayu Bhawan, New Delhi.
3. Air Officer Commanding, Air Force Station, Agra-282008.
4. Officer-in-Charge Civil Administration, Air Force Station, Agra.

Respondents

By Advocate Shri Saumitra Singh

ORDER

By K.S. Menon, Member (A)

Learned counsel for the applicant has moved a Misc. Application No. 1933 of 2007 for condonation of delay in filing the Original Application. Shri Mukerji states that the applicant had been working as a Seasonal Anti Malaria Lascar (for short SAML) in the year 1992-93 and 1999-2000 and thereafter his services were terminated on 30.11.2000. He made several representations to the respondents, which elicited no response. Thereafter, after he came across ^{to the} similar cases, where this Tribunal had allowed the O.A., ^{hence he} he decided to file the present O.A. He also states that financial constraint^s is one of the reason as to why he could not file the O.A. earlier. Counsel for the

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respondents stated that he needs time to file an objection to this delay condonation application. However, I think that as the applicant has made out an adequate case to condone the delay in filing the O.A., there is no need to file objection, hence, delay condonation application No. 1933 of 2007 is allowed and the delay in filing the O.A. is condoned.

2. It has been stated in the O.A. that the applicant had worked as SAML in the Office of respondents No.3 and 4 in the year 1992-93 and 1999-2000 and his services were terminated on 30.11.2000. The applicant also stated that he made several representations in the year 2001 and 2002 but there was, however, no response from the respondents. He further states that as per Seasonal Anti Malaria Lascar (Grant of temporary Status and Regularisation) Scheme 1997, temporary status is to be granted to the employees who have completed 150-165 days of work in two consecutive years. Since he fulfilled this condition, he is eligible for grant of temporary status, as stated by the applicant's counsel. He has also brought to notice of this Court two Judgments passed by this Tribunal in the case of similarly placed employees in O.A. No. 1368 of 2002 delivered on 30.08.2004 and in O.A. No. 1815 of 2006 delivered on 11.09.2006, in which the respondents were directed to consider the case of the applicant and grant temporary status to them. He says that in the light of these two Judgments of this Tribunal and the fact that he is eligible for grant of temporary status, his case should be considered. He further states that he has submitted a detailed representation 06.02.2006, which is still pending with the respondents.

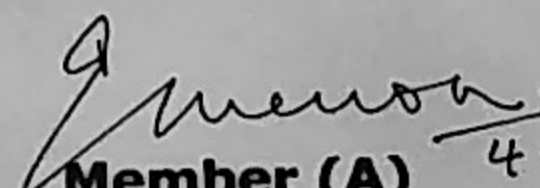
3. In view of the above facts and circumstances, I feel that no useful purpose would be served in keeping this O.A. pending for long and it would be prudent to dispose off this O.A. at the admission stage itself. Accordingly, I direct the respondents to ...

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consider the case of the applicant as per his representation dated 06.02.2006, keeping in view the Judgment of this Tribunal dated 30.08.2004 and 11.09.2006, Seasonal Anti Malaria Lascar (Grant of temporary Status and Regularisation) Scheme 1997 and other Orders and Regulations issued by the Ministry of Defence on the subject and dispose off the same with a reasoned and speaking order within a period of 3 months from the date of receipt of copy of this Order. The applicant is also directed to serve the respondents a copy of representation dated 06.02.2006 and copy of Judgments referred above, alongwith copy of this Order. The O.A. stands disposed off with the above directions. No order as to costs.


Member (A) 4.10.07

/M.M./