

(3)

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Dated : This the 24th day of JULY 2007.

Original Application No. 418 of 2007.

Hon'ble Mr. P.K. Chatterji, Member (A)

1. Bhoj Raj, S/o Sri Dal Chand, R/o Vill. Kalyanpur, Post Office, Dhanauli, Distt: Agra.
2. Bishamber Singh, S/o Sri Babu Lal, R/o Vill Kheda Bhagaur, Post, Mankenda, Distt: Agra.

. . . Applicants

By Adv: Sri G.D. Mukherji & Sri S. Mukherji

V E R S U S

1. The Union of India through Secretary, Ministry of Finance, DHQ 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.
4. Officer-in-Charge, Civil Administration, Air Force Station, Agra.

. . . Respondents

By Adv: Sri Saurabh Srivastava

O R D E R

In short the case of the two applicants is that they had worked as Anti Malaria Lascar (AML) consecutively for 02 years. The applicant No. 1 worked during 1991 and 1992 for the whole season and applicant No. 2 worked in the year 1999 and 2000 for the whole season. As per Clause I of the Seasonal Anti Malaria Lascar (Grant of Temporary status and regularization) Scheme 1997 ^{which} become effective from

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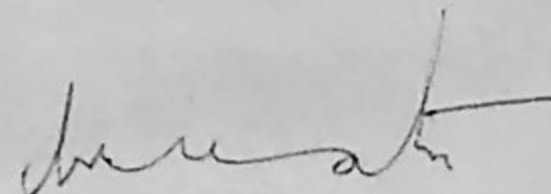
06.05.1997, ~~The~~ temporary status has to be granted to AML after 165 days of work in the offices observing 6 days week and after 150 days in offices observing 5 days week for two consecutive years.

2. Both the applicants are eligible for grant of temporary status on the basis of these provisions. The learned counsel for the applicant has also stated that as per decision of this Tribunal in OA 1368/02 decided on 13.08.2003 (paragraph 3), Clause I of the Rule as noted above would apply even to those AML who has worked as such prior to coming into force of these rules. With this argument the learned counsel for the applicant says that on the basis of this judgment both the applicants are covered by Clause I of the aforementioned rule and, therefore, became eligible for granting temporary status.

3. Learned counsel for the applicant refers to the decision of this Tribunal in OA No. 815/06 decided on 11.09.2006 and says that the facts of the case in this OA are identical to the ~~same as the~~ facts in OA 815/06. This has been corroborated by Sri Saurabh Srivastava learned counsel for the respondents. Therefore, in opinion of both counsel the case would be decided in the light of the judgment passed in OA No. 815/06.

M. S. Mehta

4. It is, therefore, directed that respondent No. 3 will consider the representation of the two applicants dated 24.012.2006 and if they are satisfied that they are similarly placed as the applicants in OA 815/06 then the respondent No. 3 will take similar action in respect of these applicants as it was directed in OA 815/06. In other words after considering their representation the respondents will take an appropriate decision as admissible under rule and pass a reasoned and speaking order be passed within a period of 4 months from the date of receipt of copy of this order. With this direction the OA is disposed of. No cost.



Member (A)

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