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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
AHMEDABAD BENCH

O.A. No. 209 of 1986
T.A. No.

DATE OF DECISION 28.10.86

SALIM MOHAMMAD SARIF & ORS. Petitioner

SHRI D. T. SHAH Advocate for the Petitioner(s)

Versus

UNION OF INDIA & ORS. (W.RLY.) Respondent

SHRI R. P. BHATT Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. P. H. TRIVEDI .. Vice Chairman

The Hon'ble Mr. P. M. JOSHI .. Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal.

Per: Hon'ble Shri P. H. Trivedi, Vice Chairman

JUDGMENT

In this case, the applicants have contended that although they have worked over 120 days, they have not been given temporary status and resultant benefits arising therefrom, although other persons specified by them have been given such a status inspite of their having been engaged subsequently, and therefore, the applicants have been discriminated against ~~in~~justice.

The respondents in thier reply have taken the stand that temporary status is earned only by service for a continuous period of 120 days and this has been so reckoned in the case of the applicants and accordingly temporary status has been granted to them. During the arguments, the respondent have not given any effective reply specifically showing how the persons specified by the applicants had put in a continuous period of service of 120 days although they had joined subsequently. It is not satisfactorily made out, in what circumstances the applicants suffered break in continuous service and the persons specified by the applicants enjoyed the benefit of continuous service of 120 days. The rules provide for giving temporary status only after 120 days of continuous service and not just 120 days service. To this extent the respondents are right in their claim that the applicants have been dealt with exactly according to rules and have no merit in their application. We have noticed, however, that although temporary status has been granted to the applicant Salim Mohammad Sarif and two others from 3.8.'75 and 26.8.'75 and others on different dates from 1976, '77 & '78, the arrears according to

the reply are yet being drawn and are being paid to them. It would also be proper for the respondents to make a scrutiny that the persons specified by the applicants have not been discriminated and any partiality shown in offering continuous service to them. We direct, therefore, that the payment of arrears be so made within a period of two months. We further direct that the circumstances in which the persons named in the petition were in continuous employment for 120 days should be inquired into by a responsible officer and a clear finding should be arrived at whether there was any partiality shown to them.

2. With these observations, the application is partly allowed. No order as to costs.

Rhein
(P. H. TRIVEDI)
Vice Chairman

Surya
(P. M. JOSHI)
Judicial Member