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**CENTRAL ADMINISTRATIVE TRIBUNAL
JODHPUR BENCH, JODHPUR**

Original Application No.196/2011
alongwith
Misc. Application No.105/2011

Date of decision: 17.07.2012

**HON'BLE Dr.K.B.S.RAJAN, JUDICIAL MEMBER,
HON'BLE Mr. B.K.SINHA ADMINISTRATIVE MEMBER.**

Bansi Lal S/o Shri Shankar Lal, by caste Rao (Harijan), aged about 65 years, R/o Tijaji ka Chowk, Harijan Basti, Bhilwara, Rajasthan.
Ex.employee- Central Bureau of Narcotics under respondent No.5.

: Applicant

None for applicant.

Versus

1. Union of India through the Secretary, Ministry of Finance, Department of Revenue (Narcotics), North Block, New Delhi.
2. The Assistant Narcotics Commissioner, Central Bureau of Narcotics, Ministry of Finance, 19 Mall Road, Murar, Gwalior (M.P.).
3. The Deputy Narcotics Commissioner, Central Bureau of Narcotics, Ministry of Finance, 19 Mall Road, Murar, Gwalior (M.P.).
4. The Deputy Narcotics Commissioner, Central Bureau of Narcotics, Kota, Rajasthan.
5. The District Opium Officer, D-12, R.K. Colony, Near Satyam Complex, Bhilwara, Rajasthan.

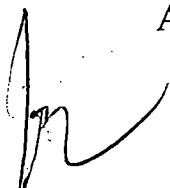
: Respondents.

Mr. Kuldeep Mathur, counsel for respondents.

[O R D E R]

Per Dr. K.B.S. Rajan, Judicial Member

In the absence of the applicant, invoking the Rule 15 of the
Administrative Tribunals Act, 1985, this OA is decided on merit.



2. MA No.105/2011 for condoning the delay in filing of the OA No.196/2011 is allowed.

3. This OA has been filed for seeking the following reliefs:-

- "(8.1) The record of the case may kindly called for.*
- (8.2) That the impugned communication dated 23.09.2009 (Annexure-A/1) may kindly be quashed and set aside.*
- (8.3) That the respondents may kindly be directed to regularize the services of the applicant prior to date of his retirement i.e. 31.10.2006 and accordingly grant him befit of pension with all consequential benefits irrespective to the terms of directions contained in the memorandum No.51016/2/90-Estt.(C) dated 10.09.1993.*
- (8.4) The original application may kindly be allowed and all circumstantial benefits may be grated in favour of the humble applicant.*
- (8.5) Any other relief, which this Hon'ble Tribunal deems fit and prior in favour of the humble applicant, may kindly be passed.*
- (8.6) Costs of this application be ordered to be awarded in favour of the humble applicant."*

4. The brief facts of the case are that the applicant was engaged as a Contingent Paid Chowkidar in the year 1973, and on 01st September 1993 he was granted Temporary Status. He superannuated in the year 2006. No regularization had been taken place.

5. Respondents in their counter have stated that unless the applicant is regularized, he may not be entitled to any benefits. It has been stated by the respondents that no other person similarly situated like the applicant stood regularized.

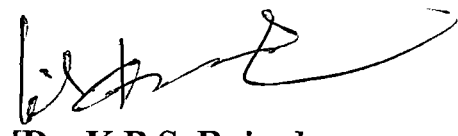
5. Since the rules are very clear that 50% of the services rendered under temporary status would be counted for the purpose of retirement benefits, if the period of temporary status would be followed by regularization, the applicant is not entitled to any relief as claimed. Even assuming that on the last day of his service, the applicant is regularized,

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then again, the qualifying service cannot account for minimum of qualifying service for the purpose of retiral benefits, as the period would be reckoned at 50% of period from 01.09.1993 to 31.10.2006 i.e. 6.5 years. Hence, the O.A. is dismissed. No order as to costs.


[B.K. Sinha]

Administrative Member


[Dr. K.B.S. Rajan]

Judicial Member

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