

**CENTRAL ADMINISTRATIVE TRIBUNAL
LUCKNOW BENCH**

Original Application No.147/2005
This the 16th day of September 2005

HON'BLE SHRI SHANKER RAJU, MEMBER (J)

1. Jag Ram, aged about 34 years, S/o Sri Ram Het, R/o 51, Ram Nasth Marg, Narhi, Lucknow.
2. Gopal Chand Srivastava, aged about 33 years, S/o Sri Rajeshwari Prasad Srivastava, R/o House No.2/29, Guru Ravidas Nagar, Wazir Hasan Road, Lucknow.
3. Dharmanand, aged about 28 years, S/o Sri Suresh Lal, R/o Sanjay Gandhi Nagar, Prayag Narain Road, Baloo Adda, Lucknow.

... Applicant.

By Advocate: Shri Anurag Srivastava) *h*

Versus.

1. Union of India, through its Secretary Department of Finance Revenue, Central Board of Excise & Customs, New Delhi.
2. Chief Commissioner of Central Excise, Vidhan Sabha Marg, Lucknow.
3. Commissioner Central Excise, Civil Lines, Allahabad.
4. Commissioner Customs, Kendriya Bhawan, 5th Floor, Hall No.3, Sector-H, Aliganj, Lucknow.
5. Additional Commissioner Excise, Kendriya Bhawan, 5th Floor, Hall No.3, Sector-H, Aliganj, Lucknow.
6. Dy. Commissioner of Customs, Customs (Headquarters), Kendriya Bhawan, 5th Floor, Hall No.3, Sector-H, Aliganj, Lucknow.

h ... Respondents.

By Advocate: Shri Prit Verma, Proxy for Sh. S.K. Tewari)

ORDER (ORAL)

1. Applicants who are engaged on casual basis though it is disputed by the respondents that they were contract employees yet they seeks benefit of a decision of this Court in OA-525/2001 in **Vimal Prakash Yadav & Ors. v. Chief Commissioner of Central Excise & Customs**, decided on 5.10.2001 wherein on the ground that juniors have been regularized applicants who had been engaged in 1998 have been directed to be regularized.
2. 3. Learned counsel of applicants would contend that the same benefit should be given to applicants.
3. 4. But for a decision of the Apex Court in SLP No.2240/2000 Union of India v. Mohan Pal and others DoPT Scheme of 10.9.93 has been held to be one time measure and it has been interpreted in such a manner that those casual workers who were engaged on 1.10.93 would be accorded temporary status and further consideration for regularization. As applicants were not in employment on the aforesaid cut off date they are not entitled to have the benefit of the Scheme. The decision which has been rendered earlier to the decision of the Apex Court in Mohan Pal (supra) cannot be operated as in our Constitution negative equality has no place. However, taking cognizance of DoPT Schemes of 7.6.88 and 1984 claim of applicants if they have completed the requisite period within two years and are sponsored through employment exchange shall be considered by the respondents. OA is accordingly disposed of. No costs.

S. Raju

**(Shanker Raju)
Member (A)**

‘San.’