

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH

Original Application No: 76/98.

Date of Decision: 29/4/99

Mr. Ajay Kumar Yadav

Applicant.

Shri Suresh Kumar

Advocate for
Applicant.

Versus

Union of India & 4 Ors.

Respondent(s)

Shri V.D. Vadhavkar alongwith

Shri M.I. Sethna

Advocate for
Respondent(s)

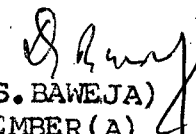
CORAM:

Hon'ble Shri. D.S. Baweja, Member(A)

Hon'ble Shri.

- (1) To be referred to the Reporter or not? ✓
- (2) Whether it needs to be circulated to other Benches of the Tribunal?

abp.


(D.S. BAWEJA)
MEMBER (A)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
GULESTAN BLDG.NO.6, 4TH FLR, PRESCOT RD, FORE,
MUMBAI - 400 001.

ORIGINAL APPLICATION NO:76/98.

DATED THE 29TH DAY OF APRIL, 1999.

CORAM: Hon'ble Shri D.S.Baweja, Member(A).

Mr. Ajay Kumar Yadav,
C/o. Mr. Lalluram Yadav,
residing at 1255, block No.34,
Sector-7, C.G.S.Colony,
Antop Hill, Mumbai - 400 037.

... Applicant.

By Advocate Shri Suresh Kumar.

v/s.

1. Union of India,
Through Secretary,
Ministry of Finance,
Department of Revenue,
South Block,
New Delhi.
2. The Chief Commissioner of Customs,
Personnel & Establishment Dept.,
New Customs House,
Ballard Estate,
Mumbai - 400 038.
3. The Dy. Commissioner of Customs,
Personnel & Establishment Dept.,
New Customs House, Ballard Estate,
Mumbai - 400 038.
4. The Asstt. Commissioner of Customs,
Personnel & Establishment Dept.,
New Custom House,
Ballard Estate,
Mumbai - 400 038.
5. Office Superintendent,
Personnel & Establishment Dept. Customs,
New Customs House, Ballard Estate,
Mumbai - 400 038.

... Respondents.

By Advocate Shri V.D.Vadhavkar alongwith
Shri M.I.Sethna for Respondents.

ORDER

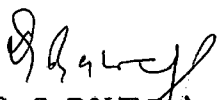
[Per Shri D.S.Baweja, Member (A)]

This application has been filed seeking the relief of grant of temporary status as well as regularisation as Scaleman Grade in the existing and future vacancies. The applicant has also prayed that ^{unless} the applicant is regularised no fresh recruitment should be done in the grade of Scaleman from outside.

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2. The respondents have filed the written statement. Heard Shri Suresh Kumar, learned counsel for applicant and Shri V.D. Vadhavkar alongwith Shri M.I. Sethna for respondents. The learned counsel for the respondents makes a statement at bar that the applicant has since been granted temporary status as per order issued w.e.f. 1/9/93. The counsel for respondents further submitted that the applicant shall be considered for regularisation as Scaleman in his own turn as per seniority as per the existing rules.
3. The learned counsel for applicant fairly conceded that the action taken by the respondents meets with the reliefs prayed for in the OA. In view of this the OA does not sustain as the grievances of the applicant have been met with.
4. The learned counsel for respondents further pointed out that in view of the Interim order granted on 16/1/98, the applicant was permitted to appear in the examination/ interview but the result cannot be declared until and unless the Interim relief order is vacated.
5. In the result, the OA stands disposed of with the direction that the respondents shall consider the case of the applicant for regularisation as Scaleman as per the deemed date the Temporary status is allowed to him according to his seniority and existing rules. The Interim order granted on 16/1/98 is vacated and the result of the examination of the applicant may be declared, if the applicant is within the zone of consideration as per seniority, The applicant shall also be given the benefits if any arising due to grant of Temporary Status as per rules within a period of three months from the date of receipt of copy of this order. No order as to costs.

abp.


(D.S. BAWEJA)
MEMBER (A)