

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.408/95

DATE OF ORDER : 22-07-1997.

Between :-

P.Damodar

...Applicant

And

1. The Union of India rep. by
its Secretary, M/o Finance
(Dept. of Revenue),
New Delhi.
 2. The Collector, Central Excise,
Basheerbagh, Hyderabad.
- Excise, Division V, Hyderabad.

... Respondents

Mrs. N. Shakti

Counsel for the Respondents : Mr. N. V. Raghava Reddy, Addl. CGSC

CORAM:

THE HON'BLE SRI JUDGE

... Member (A)). Q

... 2.

(Order per Hon'ble Shri H.Rajendra Prasad, Member (A)).

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Heard Mrs.N.Shakti, counsel for the applicant and Mr. W.Satyanarayana for Mr.N.V.Raghava Reddy, standing counsel for the Respondents.

2. The applicant, who was engaged as a Daily Wager on 9-2-90, had his services terminated on 1-6-92 upon which he filed OA 562/92 before this Tribunal which was allowed with a direction that the applicant be retained in service as before. Consequently he has by now completed nearly 7 years of service. The applicant seeks the grant of temporary status, regularisation of services and consequential benefits.

3. The respondents in their counter-affidavit agree with the facts stated by the applicant but point out that, in terms of a circular issued by the Department of Personnel & Training, temporary status can be granted only to those workers who ^{were} initially engaged through ^{the} Employment Exchange. The applicant does not fulfil this condition. Hence, according to the respondents, the non-grant of temporary status and non-regularisation is as per rules.

4. The learned counsel for the applicant relies on the judgement passed in OA 404/96 and OA 1352/97 disposed of on 3-7-97. It is seen that the facts of instant case are similar to those cases above cited. The question of ^{the} requirement regarding sponsorship by employment exchange for the purpose of grant of temporary status, followed by regularisation, ^{wherein also} was examined in these OAs and ^{that a} it was held by a circular issued in July, 1994, cannot have retrospective effect and cannot also take away the right which had accrued to the applicants prior to that date. Consequently the respondents in those OA s were directed to confer

temporary status and consequential benefits in respect of the applicants in the above said OAs. The facts in the instant case are similar to those in the above-mentioned 2 OAs, and call for the same reliefs.

5. Respondent No.2 shall therefore have the case of the applicant examined in terms of OM No.51016/2/90 Estt (C) dt.10-9-93 and arrange to take the follow-up action as called for, for grant of temporary status of the applicant, together with consequential benefits as applicable.

~~For the purpose of the applicant for confirmation of temporary status in terms of the judgements already referred.~~

6. This may be done within 90 days from the date of receipt of a copy of this order. Thus the O.A. is disposed of. No costs.

(H. RAJENDRA PRASAD)
Member (A)

22 JUL 97

Dated: 22nd July, 1997.
Dictated in Open Court.

avl/

23-7-97.
Deputy Registrar (C) ce

29/7/97
T COURT

TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

VICE-CHAIRMAN

and

THE HON'BLE MR. H. RAJENDRA PRASAD: M(A)

Dated: 22/7 -1997

~~ORDER~~/JUDGMENT

M.A./R.A./C.A.No.

in

O.A.No.

408/95.

T.A.No.

(w.n.)

Admitted and Interim directions
Issued.

Allowed

Disposed of with directions

Dismissed.

Dismissed as withdrawn

Dismissed for default.

Ordered/Rejected.

No order as to costs.

pvm

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

अवकाश/DESPATCH

28 JUL 1997

हैदराबाद न्यायपीठ
HYDERABAD BENCH