

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH**

...

O.A. No.63/85/2018

Date of decision: 17.5.2019

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CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J).

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1. Virender Singh Verma, son of Sh. Kanshi Ram Verma, aged 47 years, Village Neen, P.O. Durgapur, District Shimla (H.P), working as Data Entry Operator in the office of Central Excise Division, Shimla. Group D.
2. Prithvi Raj S/o Vishwa Dev, village Nandla, P.O. Jangla, Tehsil Chirgaon, District Shimla (H.P.), working as Casual Labour, in the office of Central Excise Division, Shimla.
3. Nand Lal S/o Sh. Nokh Ram, Village Chahlat, P.O. Toon, Distt. Shimla (H.P.), working as Casual Labour, in the office of Central Excise Division, Shimla.
4. Ram Murti Sharma, S/o Hans Ran, Ward No.12, Near Govt. High School, Kathua, J&K-18001, working as Casual Labour, in the office of Central Excise Division, Shimla.
5. Lalit Kumar, S/o Sh. Prem Singh, VPO Jainagar, Tehsil Arki, Distt. Solan (H.P.) working as Casual Labour, in the office of Central Excise Division, Shimla.
6. Subhash Chand S/o Sh. Bhuri Singh, Village Parmotha, P.O. Badhani, Tehsil Dhar, Distt. Pathankot-145001, working as Casual Labour, in the office of Central Excise Division, Shimla.

... APPLICANTS

VERSUS

1. Union of India through Secretary to Government of India, Ministry of Finance, Department of Revenue, Central Board of Excise & Customs, New Delhi.
2. Under Secretary (Ad.III.B), Central Board of Excise & Customs, Ground Floor, Hudco Vishala Building, Bhikaji Cama Place, R.K. Puram, New Delhi-110066.
3. Chief Commissioner, Central Excise Chandigarh Zone, C.R. Building, Plot No.19, Sector-17-C, Chandigarh.

... RESPONDENTS

PRESENT: Sh. Rohit Sharma, counsel for the applicants.
Sh. V.K. Arya, counsel for the respondents.

ORDER (Oral)

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SANJEEV KAUSHIK, MEMBER (J):-

1. The applicants are before this Court for invalidation of the order dated 30.6.2017 (Annexure A-9), whereby their claim for regularization has

been rejected on the ground that they are not covered under Casual Labourers (Grant of Temporary Status & Regularization) Scheme, 1993.

2. Learned counsel for the applicants vehemently argued that respondents have rejected their claim wrongly by considering OM which was not applicable to their cases. He further submitted that since names of the applicants have already been forwarded for favourable consideration on 11.9.2017, which is still pending consideration, therefore, present O.A. may be disposed of in terms of decision of Ernakulam Bench of the Tribunal in the case of **R. Anil Kumar vs. Union of India & Ors.** decided on 28.7.2016, where it has been ordered that case of the applicant therein will be considered as and when a Scheme is framed by the respondent department and if he falls within the eligibility criteria to be framed in that Scheme.
3. Learned counsel for the respondents did not object to the same.
4. Accordingly, this O.A. stands disposed of in terms of the judgment in the case of R. Anil Kumar (supra), relevant para of which is reproduced as under:-

"7. In view of the above submission by learned counsel for the applicant that the details relating to the applicant was sent in response to Annexures A-5 and A-6 to the higher authorities, it appears to this Tribunal that the O.A can be disposed of at this stage itself to direct the respondents to consider the case of the applicant as and when a Scheme is framed by the respondent department and if the applicant falls within the eligibility criteria to be framed in that Scheme."

5. No costs.

(SANJEEV KAUSHIK)
MEMBER (J)

Date: 17.05.2019.
Place: Chandigarh.

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