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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A. NO. 891/2003

Monday, this the 17th day of November, 2003

HON'BLE SHRI SARWESAWAR JHA, MEMBER (A)

Shri Arjun Singh S/o Sh. Baisakh Singh,
Motor Lorry Driver, P.W.D.(Elct),
Sub-Division-III, Division No. IV,
GOD Kakkar Dooma Court Complex,
Delhi

.....Applicant

(By Advocate: Sh. S.C. Saxena)

VERSUS

1. The Secretary,
Department of Personnel & Trg.,
Ministry of Personnel, Public Grievances,
Government of India,
New Delhi
2. The Secretary,
Government of India,
Ministry of Urban Development
and Poverty Allivation,
New Delhi
3. The Director General (W)
C.P.W.D.,
New Delhi
4. The Executive Engineer (E),
Sub-Division-III, PWD Elect.
Circle-II (G&D)
New Delhi

.....Respondents

(By Advocate: Shri Ram Kawar)

O R D E R (ORAL)

Heard.

2. The applicant has impugned the order of the respondents dated the 3rd February, 2003 and has prayed that stay may be granted against reducing the financial benefit granted to him and recovery of excess payment in one instalment. The applicant has further prayed that the letter of the respondents dated 3.2.2003 regarding withdrawal of temporary status may also be quashed.

[Signature]

3. It is observed that the applicant is a Muster Roll employee of the respondents since 1.6.1991. He claims to have rendered 240 days in service with the respondents-organisation and in the process he had been granted temporary status. However, the respondents vide order dated 3.2.2003 (Annexure - I), in consequence of the temporary status having been withdrawn from the applicant, have ordered that if any excess payment has been made to him, the same will be recovered in one instalment. The applicant has drawn my attention to the provisions as laid down in the Scheme for Casual Labour^s (Grant of Temporary Status and Regularisation) of the Govt. of India as brought out in 1993 and further clarified vide their Office Memorandum dated 6.6.2002 and submitted that, under para-3 thereof, the temporary status once granted cannot be withdrawn by removing such an employee. The learned counsel for the applicant has tried to submit that this can be done, under the said provisions, only when there is a serious misconduct or violation of service rules.

4. In the present case, it is observed from the reply of the respondents that the temporary status granted to the applicant has been withdrawn without specifying any reason. It is further observed that they have also not indicated any act of mis-conduct or violation of service rules on the part of the applicant necessitating withdrawal of the temporary status granted to him. That being the case, it is observed that the action of the respondents vide their order dated 3.2.2003 has not been clearly justified. In the absence of the reasons having been clearly stated in the impugned order of the respondents and also keeping in view the provisions of the regularisation of casual labour^s as referred to



hereinabove, in which it has been clearly stated that an employee with temporary status cannot be removed unless there is a serious misconduct or violation of the service rules on his part, it is felt that the said impugned order of the respondents is highly cryptic and not a reasoned one.

5. In the facts and circumstances of the case, I am constrained to observe that the respondents have not issued the order dated 3.2.2003 keeping in view the provisions of the relevant Scheme as referred to hereinabove and also that they have not given any reason, as mentioned above, ^{therefore} ~~and such~~ the impugned order dated 3.2.2003 is quashed and set aside with a direction to the respondents to look into the matter, as prayed for by the applicant.

6. With this, the OA stands disposed of in the aforesated terms.


(SARWESHWAR JHA)
MEMBER (A)

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