CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

OA NO. 1279/2003
MA NO. 1133/2003

OA NO. 1344/2003

OA NO. 1483/2003

&

OA NO. 1538/2003
MA NO. 1296/2003

This the 10th day of September, 2003

HON'BLE SH. KULDIP SINGH, MEMBER (J)

OA-1279/2003

1. Sh. Brij Lal s/o Sh. Badri Prasad
2. Sh. Narender Kumar s/o Sh. Ram Kishan
3. Sh. Ram Charan s/o Sh. L. Kali Charan
4. Sh. Krishan Kumar s/o Sh. Goverdhan Dass
5. Sh. Prem Kumar s/o Sh. Ganpati Rai
6. Sh. Tej Pal Singh s/o Sh. Rattan Singh
7. Sh. Sarwan Kumar s/o Sh. Tilak Raj
8. Sh. Dalip Kumar s/o Sh. Suresh Kumar
9. Smt. Mala Devi w/o Sh. Puran Chand
10. Smt. Prem Wati w/o Sh. Sri Chand
11. Smt. Shyamo Devi w/o Sh. Inder Jit
12. Smt. Phool Wati w/o Sh. Misru

The above applicants are working as casual labourers with temporary status, in New Delhi Sorting Division New Delhi-110001. All the applicants are residents of Delhi/New Delhi except Applicant No.4 who is resident of Rewari Distt. Their address for service of notices is C/o Sh. Sant Lal, Advocate, CAT Bar Room, New Delhi-110001.

OA-1344/2003

Sh. Bikram Prasad Singh son of Sh. Jateswar Singh working as casual labourer with Temporary Status in New Delhi Sorting Division, New Delhi-110001, resident of Delhi, address for service of notices is C/o Sh. Sant Lal, CAT Bar Room, New Delhi-110001.

Versus

1. Union of India through the Secretary,
Ministry of Communications,
Deptt. of Posts,
Dak Bhawan, New Delhi-110001.

2. The Chief Postmaster General,
Delhi Circle,
Meghdoot Bhawan,
New Delhi-110001.

3. The Sr. Supdt. New Delhi STG.ON.
Meghdoot Bhawan, New Delhi-110001.

OA-1483/2003

Sh. Moti Ram son of Late Sh. Rameshwar
working as casual labourer with Temporary Status
in Delhi Sorting Division, Delhi-110006,
resident of Delhi, address for service of notices is
C/o Sh. Sant Lal, CAT Bar Room, New Delhi-110001.

OA-1538/2003

1. Sh. Mukesh son of Late Sh. Lal Chand

2. Sh. Raju s/o Sh. Bishan Lal
Applicants are working as casual labourer with Temporary Status in Delhi Sorting Division, Delhi-110006, they are residents of Delhi, address for service of notices is C/o Sh. Sant Lal, CAT Bar Room, New Delhi-110001.

(By Advocate: Sh. Sant Lal)

Versus

1. Union of India through the Secretary,
Ministry of Communications,
Deptt. of Posts,
Dak Bhawan, New Delhi-110001.

2. The Chief Postmaster General,
Delhi Circle,
Meghdoot Bhawan,
New Delhi-110001.

3. The Sr. Supdt. Delhi STG. Division,
Kashmere Gate, Delhi-110006.

(By Advocate: Sh. R.P.Aggarwal)

O R D E R (ORAL)

By Sh. Kuldip Singh, Member (J)

By this common order I am going to decided 4 OAs as facts in all the 4 OAs are common.

2. In OA No.1279/2003 and 1344/2003 applicants have been issued a show cause notice vide Annexure A-1 that temporary status conferred upon the applicant is irregular and it is proposed to withdraw the same. Applicants were given an opportunity to make representation on the said order. After considering the representation made by the applicant, respondents directed that temporary status conferred upon the applicant stands cancelled vide Annexure A-2.

3. Similarly, in the case of OA-1344/2003 the same notice was issued. In that case also the applicant had made a representation and after considering the same, the temporary status conferred upon the applicant were directed to be treated as cancelled.

4. Similarly, in OA-1483/2003 a show cause notice has been issued. But because of the interim order issued by this Tribunal the temporary status has not been conferred as the respondents were directed to maintain the status quo with regard to the temporary status conferred upon the applicant.

5. A similar show cause notice has been issued to the applicants in OA-1538/2003 wherein also the said order was issued. In order to challenge the same, counsel for applicant submitted that though the Hon'ble Supreme Court in case of Mohan Pal vs. Union of India 2002 (1) SLJ 464 has held that the scheme of the DOPT with regard to conferment of temporary status issued on 10.9.93 has been held to be one time scheme but while delivering the judgment Hon'ble Supreme Court has protected the temporary status granted to casual labours even after the crucial date of 1.9.93 or the date on which this scheme was issued.

6. Counsel for applicant submits that once the temporary status has been granted, the same cannot be withdrawn. Counsel for applicant then referred to judgment given by this Tribunal in case of Mehar Chand vs. Union of India in OA-1651/2002 and relying upon the judgment, counsel for applicant submits that according to this judgment temporary status once bestowed cannot be taken away though the scheme is for conferment of temporary status from 1.9.93. This Tribunal

has also relied upon the another judgment of Hon'ble Supreme Court in H.L.Trehan's case in which similar show cause notice was issued to cancel the temporary status and following this judgment also the court had stated that temporary status once bestowed cannot be taken away.

7. The issue raised in the present cases is fully covered under the judgment referred to above, there is no reason as to why different view should be taken. Considering the same, I allow the OAs and quash the impugned orders. Applicants can continue to enjoy the benefits of temporary status conferred upon them with all consequential benefits.

(KULDIP SINGH)
Member (J)

'sd'