



2026:UHC:1677-DB

HIGH COURT OF UTTARAKHAND AT NAINITAL

**HON'BLE JUSTICE SRI MANOJ KUMAR TIWARI AND
HON'BLE SRI JUSTICE PANKAJ PUROHIT**

Writ Petition No. 604 of 2022 (SB)

Maharaj Singh

--Petitioner

Versus

Central Administrative Tribunal
through its Registrar and others

--Respondents

Mr. Kishore Kumar, Advocate holding brief of Mr. M.C. Pant,
Advocate for the petitioner
Mr. Rajesh Sharma, Advocate for respondents

The Court made the following:

JUDGMENT: (per Hon'ble Justice Sri Manoj Kumar Tiwari)

1. Petitioner has challenged judgment dated 17.05.2022, rendered by Central Administrative Tribunal, Allahabad, Circuit Bench Nainital in Transfer Application No. 25 of 2018. By the said judgment, challenge thrown by the petitioner to the order dated 03.10.2013 whereby his representation claiming temporary status was rejected. Operative portion of the impugned judgment is reproduced below:

“11. It is seen that the applicants have sought extension of benefit of the Scheme of 1997. Though they are aggrieved by the provisions of the said Scheme, they have chosen not to challenge the same. It cannot be denied that the respondents have processed the claim to applicants to their best of intentions, and accordingly, sought exemption from the DOPT; unfortunately the same was not acceded to by the DoPT. It can be concluded that the said process was recommendatory in nature and since the said recommendation did not find merit with the DoPT the Respondents could not take it forward. However, it is true that the said recommendation has given the right of legitimate expectation to the applicants. But then DoPT



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being the nodal ministry, their advice cannot be ignored. It is also seen that the applicants have though worked intermittently for a period of 11 years, yet the actual period eliminating the period for which they have been disengaged is less than four years. It is also not in dispute that in spite of ban the applicants were allowed to work after 1997. The applicants have been engaged only for seasonal work in the relevant years. It is also seen that in case the applicants have less than 10 to 4 years of service left on account of their age. It is also seen that they have been out of employment for last 17 years. At this stage, we feel that we are not able to grant any relief so prayed by the applicants. We have our sympathy with the applicants, though the same cannot be a substitute of the relief.”

2. It is not in dispute that petitioner was engaged as seasonal employee to discharge duties as *khalasi* in Central Water Commission in the year 1985. According to him, he discharged duties as such, though with artificial breaks, till 2004, and he was disengaged from service w.e.f. 15.10.2004 without any rhyme or reason. Petitioner challenged his disengagement by filing Writ Petition No. 658 of 2005 (SS); the said writ petition, however, was decided on 29.11.2012 with direction to the competent authority to take decision on the representation, to be submitted by petitioner, within eight weeks, by ignoring the stand taken by respondent No. 4 in their counter affidavit.

3. Petitioner submitted representation in terms of the order passed by learned Single Judge in Writ Petition (S/S) No. 658 of 2005, which however was rejected by Superintending Engineer, Central Water Commission vide order dated 03.10.2013. In the rejection order, it was mentioned that petitioner has crossed the upper age limit for entry into group-C post as per the applicable recruitment rules, therefore, the matter was referred to Department of Personnel and Training for



relaxation. DoPT, however, turned down the proposal submitted for exemption to petitioner with the remark that “as a policy, we do not consider relaxation in age limit and qualification prescribed for direct recruitment.”

4. Petitioner challenged the said rejection order before Central Administrative Tribunal and his application has been dismissed by the impugned judgment.

5. Heard learned counsel for the parties and perused the record. Learned Tribunal held that petitioner’s claim for temporary status/absorption in service is unfounded as he is out of employment for the last 17 years; petitioner has not challenged the policy, which provides for temporary status to casual employees and as per that policy, petitioner is not eligible for temporary status.

6. Learned counsel for the petitioner submits that petitioner challenged the condition of the Scheme dated 20.06.1997, which provides that the scheme would be applicable only to those seasonal *khalasis* who are engaged in any time during the preceding one year; however, learned Tribunal did not consider that prayer, therefore, erred in making an observation that the provision of the Scheme was not challenged by the petitioner.

7. We find some substance in the said contention; however, having regard to the totality of facts and circumstances of the case, we find no scope for



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interference with the impugned judgment, as petitioner cannot be given temporary status today when he is out of employment since 2004 and has also attained the age of superannuation.

8. For the aforesaid reasons, writ petition fails and is dismissed.

MANOJ KUMAR TIWARI, J.

PANKAJ PUROHIT, J.

Dt: 12th March, 2026
Mahinder

