

Central Administrative Tribunal
Principal Bench

O.A. 1753/99

New Delhi this the 3rd day of April, 2000

(V)

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

Ganesh Kumar @ Ravi,
S/o late Devi Lal,
R/o E-137, Kidwai Nagar,
New Delhi. Applicant.

Applicant present in person.

Versus

1. Union of India,
through its Secretary,
Ministry of Communication,
Department of Telecommunication,
Sanchar Bhawan, New Delhi.
2. Chief General Manager,
Telecom West,
Dept. of Telecommunications,
Dehradun.
3. General Manager, Telecom,
Dept. of Telecommunications,
Jaina Tower, Raj Nagar,
Ghaziabad-201002.
4. Deputy General Manager (Operation),
Dept. of Telecom,
A-23, Jaina Tower,
Ghaziabad.
5. Assistant Director (O.P. II),
Dept. of Telecom,
A-23, Jaina Tower,
Ghaziabad. Respondents.

None present.

O R D E R (ORAL)

Hon'ble Smt. Lakshmi Swaminathan, Member(J).

The applicant has filed this application stating that as he had worked with the respondents as a casual labourer/peon from 1.4.1998 to 10.6.1999 and thereafter disengaged illegally, he should be reinstated in service and granted "Temporary Status" in terms of the relevant Scheme prepared by the respondents dated 1.10.1989.

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2. The applicant had also filed a petition for transfer u/s 25 of the Administrative Tribunals act, 1985 which had been allowed by the Hon'ble Chairman by the order dated 5.11.1999.

3. The brief facts of the case are that the applicant states that he was engaged as a casual labourer with the respondents on 1.4.1998 and has been continuously working to the entire satisfaction of his seniors. He has ^{he} stated that/ had completed 206 days of continuous service in one year in the office which observes 5 days week. He has enclosed a copy of the attendance record for the months of April 1998, May, 1998, and February, 1999. In the short as well as the detailed replies filed by the respondents, they have stated, *inter alia*, that the documents filed by the applicant to support his claims have been manipulated by making unauthentic and undeserved entries in the attendance register (Annexure 'A'), but it is relevant to note that they have not cared to specify what ^{the} these unauthorised entries are. According to them, ^{the} mere perusal of the entries made in Annexure A-I in the O.A. will reveal the ulterior consideration, with which comment I am unable to agree, as it was for the respondents to give the details of the alleged manipulations or unauthorised entries, as the case may be, which has, however, not been done in the present case. The respondents have also objected to certain statements made by the applicant in the rejoinder to the short reply on interim relief, which they have vehemently denied. In the replies filed by the respondents, they have not categorically stated whether the claim of the applicant that he had worked as casual

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labourer/peon from 1.4.1998 to 10.6.1999 is correct or not, excepting to state that the applicant has not furnished any material fact to show that essential parameters for grant of relief are satisfied in the case. It is unfortunate that the replies filed by the respondents are vague and unsatisfactory, to the extent of affirming or denying the factual position stated by the applicant, for example, that he has completed 206 days of service in one year during the aforesaid period.

4. The Tribunal by interim order dated 12.8.1999 had directed that till the respondents file their short reply, they are restrained from engaging any freshers or new comers. It is also not clear whether the respondents do require the services of casual labourers/peons or not.

5. In the above facts and circumstances of the case, the O.A. is disposed of with the following directions:

(i) The respondents are directed to verify the facts regarding the claim of the applicant as casual labourer/peon in terms of the Scheme issued by the Department of Telecommunication in 1989;

(ii) In case the applicant fulfils the terms and conditions, as mentioned in the Scheme for grant of temporary status, the respondents shall do so with intimation to the applicant within two months from the date of receipt of a copy of this order;

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(iii) In case, the respondents are rejecting the claim of the applicant, they shall do so by a reasoned and speaking order which shall also be intimated to the applicant;

(iv) In case the respondents have need for engaging any casual labourers/peons, they shall consider re-engaging the applicant, in preference to outsiders and juniors, subject to his fulfilment of the other eligibility conditions in accordance with the relevant Rules and instructions;

(v) However, the applicant's claims for full back-wages and continuance in service for the period he has been out of service are rejected.

No order as to costs.

Lakshmi Swaminathan

(Smt. Lakshmi Swaminathan)
Member (J)

'SRD'