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Central Administrative Tribunal
Principal Bench

O.A. 2048/98

New Delhi this the 25th day of July, 2000

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

Krishan Pal,
S/o Shri Bhanwar Singh,
Village & Post - Budina Khurd,
Distt. Muzaffarnagar. ... Applicant.

(By Advocate Mrs. Rani Chhabra)

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. Telecom District Manager, Dept. of Telecommunications, Gaushala Road, PNB, New Mandi, Muzaffarnagar. ... Respondents.

(By Advocate Shri K.R. Sachdeva)

O R D E R (ORAL)

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

The applicant has filed this application against what he has stated is threatened dis-engagement by the respondents. Mrs. Rani Chhabra, learned counsel has submitted that after the O.A. was filed, his services have since been terminated.

2. The brief facts of the case are that according to the applicant, he had been engaged as Driver by the respondents and had served for more than 240 days in a period of 12 months with them. Relying on the Scheme issued

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by the respondents, namely, ^{the 18/} Casual Labourers (Grant of Temporary Status and Regularisation) Scheme, 1989 (Annexure A-II), he claims that he should be granted Temporary Status as Driver (casual labourer) and a further direction ~~may be~~ ^{is} ~~given~~ to the respondents for his re-engagement in service and not to be disengaged except in accordance with law.

3. The respondents in their reply have submitted that the applicant was never engaged as casual labourer in August, 1997 or onwards. According to them, the post of Driver in the Department is a Class-III post and there is no sanctioned post of Driver available in Muzaffarnagar where the applicant claims that he is working as Driver. They have also stated that the Scheme framed by the Department in 1989, which is relied upon by the applicant, is not meant for Class-III posts but is only meant for casual labourers and their subsequent regularisation in a Group 'D' post.

4. Mrs. Rani Chhabra, learned counsel has drawn my attention to the extracts of the Log Book (Annexure A-I) from which she has stated that it shows that the applicant had worked with the respondents as Driver. On examination of these documents, it is found that several columns of the relevant entries, including what the learned counsel stated as the signatures of the applicant are left blank. The respondents have also disputed the authenticity of the copies of the Log Book annexed by the applicant. Taking into account the facts and circumstances of the case, reliance placed on the extracts of the Log Book is, therefore, not tenable as the entries do not clearly show

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that the applicant had worked with the respondents in the relevant period. Further, the Scheme prepared by the respondents in 1989, referred to above, deals with the Grant of Temporary Status and Regularisation of casual labourers against the vacancies in Group 'D' cadre in various offices of the Department of Telecommunications. Admittedly, according to the applicant, as he was working as Driver which is a Class-III post, the Scheme would not be applicable to the applicant.

5. In the facts and circumstances of the case and for the reasons given above, I find no merit in this application. O.A. fails and is dismissed. No order as to costs.

Lakshmi Swaminathan

(Smt. Lakshmi Swaminathan)
Member(J)

'SRD'