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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH: NEW DELHI

O.A. No. 2394/98

New Delhi this the 22nd day of November 1999

HON'BLE MRS. SHANTA SHAstry, MEMBER (A)

1. Balbir Singh,
Son of Shri Parvin Singh,
R/o 242 RZ, Palam Colony, New Delhi.
2. Yashpal,
Son of Banwari Singh,
R/o 112 Khichiri Pur,
Gali No. 9, Delhi-110 091.
3. Anil Kumar,
Son of Shri Banwari Singh,
R/o 12/13 Kichri Pur, Delhi-110 091.
4. Ram Phool,
Son of Shri Pusa Ram,
R/o 132 Pandav Nagar,
Delhi-110 091.

Applicants

(By Advocate: Shri Ashish Kalia)

Versus

1. Union of India,
The Secretary,
Ministry of Communication,
Sanchar Bhawan, New Delhi-110001.
2. Telecom District Manager,
Moradabad (UP).

Respondents

(By Advocate: Shri V.S.R. Krishnan)

O R D E R

BY MRS. SHANTA SHAstry, MEMBER (A)

This OA has been filed by the applicants aggrieved by the impugned order dated 22.10.1997 passed by the respondents (Annexure A-1), in pursuance of this Tribunal's order dated 20.5. 1997 in OA 1256/96. In the original OA there were six applicants. However the present OA is filed by four of the six applicants. They are Sarvashri Balbir Singh, Yashpal, Anil Kumar and Ram Phool. While disposing of the OA 1256/96, a direction was given to the respondents that subject to availability of work they should consider re-engaging the applicants in

accordance with Casual Labourers (Grant of Temporary status) Scheme in preference to outsiders and those with lesser length of past service. Thereafter the applicants may work out their rights for grant of temporary status in terms of Casual Labourers (Grant of Temporary Status) Scheme. In respect of Shri Anil Kumar, it was left open to him to file copies of the documents along with the self contained representation to the respondents, who should examine the same in terms of the contents of such representation and their own records.

2. Only Shri Ram Phool applicant No. 1 submitted his representation to the respondents. The respondents after examining the representation received from Shri Ram Phool and the claims submitted by him came to the conclusion that the applicant could not furnish any authentic proof of his employment in the Department meeting the requirements of the Scheme for Grant of Temporary status. The respondents also considered the cases of the other applicants viz., Balbir Singh, Yash Pal and Anil Kumar though they had not preferred their representation or reports of verification in support of the genuineness and correctness proof of their engagements. Anil Kumar had not made any representation even after expiry of five months. It is very clear that none of these applicants could produce adequate proof of their having worked for 240 days as required under the Scheme.

3. The applicants have tried to explain that there are two types of registers maintained for recording the work done by the Casual Labourers. One is the Muster Roll Register and the other is ACG-17 Register. Proper record of Casual Labourers engaged is kept in the Muster Roll Register and requisite certificate of the service rendered by the Casual Labourers is issued on that basis whereas no certificate is issued in respect of the ACG-17 Register as no record is kept of Casual Labourers engaged in the morning and paid off in the evening. The applicants have also produced certain receipts as proof of their having worked on certain days. These receipts are blurred and illegible without proper voucher number or dates on which they were issued.

4. The learned counsel for the respondents has raised preliminary objections. The applicants have not approached this Tribunal within the stipulated period of one year from the passing of the impugned order nor have they cared to file any application for condonation of delay. Therefore, on the ground of limitation itself, it is liable to be dismissed. The respondents further submit that the OA is barred by res judicata. Their earlier OA 1256/96 was disposed of vide order dated 26.5.1997 and the respondents have implemented the orders by giving detailed reasoned reply to the applicants and therefore no cause of action has accrued for filing the present application. The respondents further claim that the applicants have appended/submitted false and misleading annexures. They did not work

for 240 days in accordance with the Scheme. The respondents have also questioned the jurisdiction of this Principal Bench because while on the one hand the applicants claim that they are still working with the respondents, at Moradabad on the other hand under the verification (for justifying jurisdiction), the applicants have claimed to reside in Delhi.

5. The applicants in their rejoinder have denied that it is barred by limitation because they have filed a further representation on 17.11.1998 to the impugned order. Also, they denied that it is barred by res judicata as according to them the matter was not decided by the Hon'ble Tribunal on merit in OA 1256/ 96. Only directions were issued to respondents to examine the documents of working in support of their representation. The respondents have not considered the ACG-17 register.

6. The impugned order is dated 22.10.1997. The applicants claim that they have represented on 17.11.1998 i.e. almost after one year of the order. O.A. has been filed thereafter on 3.12.1998. It is thus time barred and needs to be dismissed on the ground of limitation itself.

7. The earlier O.A. 1256/96 was disposed of with direction to examine the self contained representations of the applicants. Only one applicant No. 4 gave such a representation.

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However, the impugned order passed by respondents on 22.10.1997 has given cause for filing this O.A. Therefore, it is maintainable.

8. The applicants have claimed to reside in Delhi. Earlier also the applicants' case was heard here. As this O.A. has arisen out of the earlier O.A., the objection of respondent is overruled.

9. Coming to the merits of the case, I find that the respondents have issued a detailed order dated 22.10.1997 considering the cases of all the applicants even though all had not given their representation. Facts are very clear. It is not for this Court to question the facts. None of the applicants could produce adequate proof of his having worked for 240 days as required under the Scheme. It is obvious that the applicants have not given any convincing documents for their having rendered the requisite service as Casual Labourers. I find no merit in the O.A.

10. On the facts and circumstances of the case the O.A. is dismissed. No costs.

Shanta F
(MRS. SHANTA SHAstry)
MEMBER (A)

Mittal