

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

(8)

O.A. No. 2510/98

HON'BLE SHRI R.K. AHOJA, MEMBER(A)

New Delhi, this the 25th day of October, 1999

Shri Virender Pal Singh
S/o Shri Tulsi Singh
R/o H.No.C/21, East Baldev Park
Krishna Nagar, Delhi-92

....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, Dehradun
3. Telecom District Manager
Dept. of Telecommunications
Moradabad
4. Divisional Engineer (Telegraph)
O/o Telecom District Manager
Dept. of Telecom, Moradabad
5. Sub Divisional Officer, Telecom
Dept. of Telecommunications
Telecom Centre, Chandausi,
Moradabad
6. Junior Telecom Officer
O/o Sub-Divisional Officer (Telecom)
Dept. of Telecommunication
Telecom Centre, Chandausi
Moradabad

....Respondents

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

O R D E R

The applicant claims that he was engaged as a casual labour in the respondent department of Telecommunication in May, 1980 and worked continuously upto March, 1984 when he was suddenly discharged with effect from April, 1984. Aggrieved that his discharge was without any notice in contravention of Section 25 F of the I.D. Act, 1947, he approached this Tribunal by way of O.A. No. 1001/94. The same was, however, dismissed by an order

dated 23.5.94 as barred by limitation. The applicant claims that in January, 1993 the applicant had been reengaged by the respondents and worked continuously till 1998 on ACG-17 and thus became entitled to grant of temporary status and relaxation in terms of respondents' scheme known as Casual Labourers (Grant of Temporary Status and Regularisation) Scheme, 1989. The applicant alleges that as the respondents did not redress his grievances, he filed another O.A. No.1203/97 but the respondents during the pendency of this O.A. again disengaged him with effect from 12.2.98. The O.A. was disposed of by an order dated 20.3.98 with the following directions:-

"4. I dispose of this O.A. with a direction that in the event that the applicant's assertion that during the pendency of this O.A. he has been re-engaged and he has been continuously working since then, is substantiated on the basis of the relevant record maintained by the respondents, they should consider the applicant's claim for grant of temporary status in accordance with rules and instructions on the subject, under intimation to the applicant, within two months from the date of receipt of a copy of this order."

The applicant has now come to the Tribunal for the third time against the order of the SDE(HRD), Telecom District, Moradabad dated 10.5.98 rejecting the claim of the applicant for reengagement.

2. The respondents have raised ^a preliminary objection that the O.A. is not maintainable on account of res-judicata. In fact, they say that the documents produced by the applicant from pages 37-62 at Annexure A-3 have been verified from the concerned officer who has confirmed that no such casual labour was engaged by him ~~or~~. According to the respondents the documents are ~~fabricated or~~ ^{fabricated or} ~~mutitated~~ and baseless.

3. I have heard the counsel. So far as the claim of the applicant on the basis of his engagement from May 1980 to March, 1984 is concerned, it can no longer be considered as the same was earlier agitated in O.A. No.1001/94 and dismissed on grounds of limitation. In regard to the claim of the applicant from 1993 onwards, the respondents submit that the documents, copies of which have been produced at pages 37-62, have been found in verification to be false as the SDO Phones has stated that no such casual labour was engaged by him till 19 . The Tribunal cannot go into the disputed facts. In any case, the directions of the Tribunal in O.A. No.1203/97 have been complied by the respondents affording an opportunity to the applicant to produce the necessary proof of his engagement. As the applicant has not been able to produce satisfactory proof, the question of his eligibility for grant of temporary status in terms of the scheme formulated by the respondents does not arise.

4. In the result, the O.A. is dismissed. There will be no order as to costs.


(R.K. AHOOJA)
MEMBER (A)

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