

Central Administrative Tribunal
Principal Bench

O.A. No. 407 of 1998

New Delhi, dated this the 8th October, 1998

HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

1. Shri Harcharan Singh,
S/o Shri Bhukhan Saran,
Blk No.8, Qr. No.11, Prem Nagar,
New Delhi.
2. Shri Jodha Singh,
S/o Shri Bhukhan Saran,
DDA Flats No.27-C, Mayur Vihar,
New Delhi. Applicants

(By Advocate: Mrs. Rani Chhabra)

Versus

1. Union of India through
the Secretary,
Ministry of Communication,
Dept. of Telecomm.
Sanchar Bhawan, New Delhi.
2. Chief General Manager (Telecom West),
Dept. of Telecomm.,
Windless Complex, Rajpur Road,
Dehradun.
3. General Manager (Telecom.),
Dept. of Telecom.
Meerut.
4. Telecom. Dist. Manager,
Dept. of Telecom.
Moradabad.
5. Divl. Engineer (Admn. & Plg),
O/o Telecom. Dist. Manager,
Dept. of Telecom., Moradabad.
6. Divl. Engineer (Telecom),
Dept. of Telecommunication,
Bijnour, U.P. Respondents

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

O R D E R

BY HON'BLE MR. S.R. ADIGE, VICE CHAIRMAN (A)

Applicants impugn respondents' order dated
14.5.97 (Ann. A-7) and pray for reengagement
along with grant of temporary status followed by
regularisation.

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2. Applicants claim that they were initially engaged on muster roll on 16.1.86 and after working as such for a few days, were removed from muster roll and payment was made on ACG-17. They contend that they worked continuously with respondents till 1993, they were disengaged by oral orders without conferment of temporary status under the relevant scheme. They state that aggrieved by that termination they filed O.A. No. 1281/94 which was disposed of by order dated 15.9.95 directing them to submit a representation to respondents for redressal of their grievance in the first instance. They stated that accordingly they filed representation, but respondents took no action on the same, and it is only upon their filing a contempt case and notice being issued to respondents thereon that they issued the impugned order dated 14.5.95 by which their claims have been rejected.

3. I have heard applicant's counsel Mrs. Chhabra and respondents' counsel Shri Krishna.

4. Mrs. Chhabra have contended that applicants' claims have been rejected by respondents on the ground that

(i) applicants did not complete 240 days of continuous work before 30.3.85.

(ii) They were not working in project/ electrification circle.

(iii) That certificate produced by them appeared to be forged and false.

5. Even if Mrs. Chhabra is correct when she says that the cut off dated of 30.3.85 has been held to be arbitrary by the Tribunal and applicants would be entitled to grant of temporary status on completion of 240 days continuous service, and that ^{it} is not obligatory for casual labourers to work only in project/electrification circles for eligibility for grant of temporary status, applicants have still to establish that they put in the required number of days of service for grant of temporary status. In Paras 11 and 12 of respondents' impugned order dated 14.5.97 a finding has been recorded that neither applicant had put in the required 240 days of service for grant of temporary status, and in fact in the case of applicant Jodha Singh the impugned order dated 14.5.97 states that the certificates submitted by him appears false and forged.

6. The question whether applicants have indeed the required number of days of service for grant of temporary status is a question of fact and the Tribunal not being a fact finding authority, ^{this controversy} is not required to enter into while exercising writ jurisdiction vide Hon'ble Supreme Court's ruling in B.R. Meena Vss. Rajasthan High Court AIR 1997 SC 896.

7. In the result the impugned order dated 14.5.97 warrantss no interference. It will be open to applicants to produce such further evidence if any, which they possess in support of their claim that they have put in the required number of days of service, for grant of temporary status and for reengagement in preference to juniors and outsiders, on receipt of respondents should examine and dispose of that claim in accordance with rules and instructions.

8. The O.A. is disposed of in terms of Para 7 above. No costs.

S.R. Adige
(S.R. Adige)
Vice Chairman (A)

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