

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI.

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CP 352/94
in OA 1959/94

Date of decision 4.6.96

Hon'ble Shri S.R. Adige, Member (A)

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

Yunes
s/o Shri Aila Baux
R/o A-7, Ganesh Nagar,
Delhi-110092

... Applicant

(By Advocate Shri V. Shekhar)

Vs.

Shri S.C. Monga, Director
Installation, Akashwani &
Doordarshan Jam Nagar House,
New Delhi.

... Respondent

(By Advocate Shri E.X. Joseph)

OA 1959/94

Shri Yunus
s/o Shri Aila Baux,
R/o A-7, Ganesh Nagar,
Delhi-110092

... Applicant

(By Advocate Shri V. Shekhar)

Vs.

1. Union of India through
Directorate of General Doordarshan,
Parliament Street,
New Delhi.

2. Chief Engineer (North Zone)
Akashwani & Doordarshan,
Jamnagar House, Shahjahan Road,
New Delhi.

3. Director (Akashwani & Doordarshan)
Jamnagar House, Shahjahan Road,
New Delhi.

... Respondents

(By Advocate Shri E.X. Joseph)

CP- 353/94 in OA-1957/94

Shri Om Prakash
R/o B-404, Chirag Delhi
New Delhi-110017

... Applicant

(By Advocate Shri V. Shekhar)

Vs.

1. S.C. Monga, Director
Installation Akashwani &
Doordarshan, Jam Nagar House,
New Delhi.

... Respondent

(By Advocate Shri E.X. Joseph)

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DA 1957/94

Shri Dm Prakash
r/o B-404, Chirag Delhi,
New Delhi-110017

...Applicant

(By Advocate Shri V. Shekhar)

Vs.

1. Union of India through
Directorate of General Doordarshan,
Parliament Street, New Delhi.
2. Chief Engineer (North Zone)
Akashvani & Doordarshan,
Parliament Street, New Delhi.
3. Director (Akashvani & Doordarshan)
Bamnagar House, Shahjahan Road,
New Delhi.

...Respondents

(By Advocate Shri E.X. Joseph)

ORDER (JUAL)

(Hon'ble Shri S.R. Adige, Member (A))

We have heard applicants' counsel Shri V. Shekhar, counsel and respondents' counsel Shri E.X. Joseph in DAs No. 1959/94 and No. 1957/94. As both these DAs relate to common questions of law and facts they are therefore, being disposed of by this common order.

2. Shortly stated the applicants in each of these applications have averred that they were engaged in the office of the respondents on 5.4.89 and 1.1.93 respectively but both were disengaged on 30.11.94 without notice and despite having put in continuous service from the date of their engagement, while the persons junior to them, who were engaged subsequently continued to remain in service. Both applicants pray for re-engagement followed by grant of benefits available to temporary employees in accordance with the Grant of Temporary Status and Regularisation Scheme formulated by DOP & T on 10.9.93.

3. Respondents on the other hand contend that while the two applicants were no doubt engaged by them as a casual labourers, their services were not continuous but were for broken periods and on the relevant date i.e. 10.9.93, they were not in the service of the respondents and hence are not eligible for the benefits of the said scheme.

4. Respondents have also filed certain details of the number of days and service put in by the applicants which is challenged by the applicants.

5. We note that presently both the applicants stand disengaged. We note Shri Joseph's statement at the bar that if work is available the respondents would have no objection in re-engaging the applicants and accordingly we direct the respondents that subject to the availability of work they should consider re-engaging the applicants in preference to outsiders and those likewise presently unemployed but with overall lesser length of past service with the respondents.

6. In so far as the applicants' claim for grant of temporary status in accordance with the provisions of OM dated 10.9.93 is concerned, subject to the applicants' filing a detailed self-contained representation to the respondents within one month from the date of receipt of a copy of this judgment, the respondents should examine the same and dispose of it by a detailed, speaking and reasoned order under intimation to

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the applicants within 2 months of the receipt of such representation. In this connection, applicants' counsel Shri Shekhar stated that the applicants being lowly paid employees do not have access to all the relevant records to enable them to prepare their self-contained representation. Shri Joseph has fairly stated that the respondents would have no objection in allowing the applicants reasonable access to all the relevant records for this purpose.

7. Before concluding we may advert to the submissions made by applicants' counsel during hearing that the applicants have not received their salary for November, 1994, although they had put in service with the respondents for that month. This point should also be dealt with by the respondents while disposing of the applicants' representation and all lawful dues should be paid forthwith.

8. OAs No. 1959/94 and No. 1957/94 and connected MAs are disposed of in terms of paragraphs 4, 5, ^{in and 71} and 6, above.

9. The applicants have also filed CP No. 352/94 in OA No. 1959/94 and CP No. 353/94 in OA No. 1957/94 alleging contumacious disobedience of the Tribunal's interim orders dated 9.11.94 in the above two OAs. We have heard Shri Shekhar as well as Shri Joseph in the matter and have also perused the materials on record. We have already referred to Shri Joseph's statement at the bar that the respondents bear no illwill towards the applicants and would be willing

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to re-engage the applicants subject to the availability of work. In the circumstances, on the basis of the available materials on record, we are unable to hold that there has been any contumacious violation of the Tribunal's order dated 9.11.94 in the two OAs before us, which would warrant action under the Contempt of Courts Act against the respondents. CPs No. 352/94 and 353/94 are accordingly rejected and notices against the alleged contemnors are discharged. No costs.

(LAKSHMI SWAMINATHAN)
MEMBER (J)

(S. R. ADIGE)
MEMBER (A).

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1/6/96

Court Officer
Administrative Tribunal
Bangalore Bench
Bangalore