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CENTRAL ADMINISTRATIVE TRIBUNAL PRINCIPAL BENCH

New Delhi, this the 20th day of March, 1996

OA No. 2300/95

Hon'ble Shri A.V.Haridasan, Vice-Chairman(J)
Hon'ble Shri R.K.Ahooja, Member (A)

1. Sh. Bhanwar Singh, s/o Shri Kanchhid Singh
2. Sh. Gokal Singh s/o Sh. Malloo Singh,
c/o Divisional Engineer (Sat. Mntce(1),
Satellite Earth Station,
Sikendrabad, Distt. Bulandsahar (UP). .. Applicants

(By Shri O.P.Khokha, Advocate)

Versus

Union of India through

1. The Secretary,
Ministry of Communication,
Dept. of Telecommunications,
Sanchar Bhawan, New Delhi
2. The Chief General Manager (NTR),
Department of Telecommunications,
2nd Floor, Kidwai Bhawan,
Janpath, New Delhi.
3. The Divisional Engineer (Sat. Mntce(1))
Satellite Earth Station,
Remote Area Business Message Network,
Galauthi Road, Sikanderabad,
Distt. Bulandshahar (UP). Respondents.
(By Shri M.M.Sudan, Advocate).

ORDER (Oral)

Hon'ble Shri A.V.Haridasan, Vice-Chairman(J)

The applicants No. 1 & 2 commenced their casual service in March 1987 and April 1986 respectively and their services were dispensed with. Against that they alongwith two others filed OA No. 2368/89 which was disposed off with a direction to the respondents to re-instate them in service as casual labourers, as far as possible at the place where they had worked earlier or if not possible, they may be accommodated in the vacancies existing anywhere in India and to consider regularisation of their services in accordance with the Scheme prepared by the respondents. The applicants in that OA were re-engaged but finding that they were re-engaged in the remote areas, they again approached the Tribunal by OA No. 23

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No. 2035/90 which was disposed off by judgement dated 4.12.1992 with a direction to the respondents to accommodate the applicants in Delhi Division where they had worked, depending upon the availability of vacancies in the said Division. The applicants have been re-engaged and they are now continued in service. Their present grievance is that the respondents are not considering them for grant of temporary status and regularisation in accordance with the Scheme though the juniors to them having lesser service have been granted the temporary status. The applicants have filed this O.A. praying for a direction to the respondents to consider them for grant of temporary status and then regularisation in Group 'D' cadre from the dates in accordance with scheme with consequential benefits.

2. The respondents resist the applicant and they contend that as there is a break in the service of the applicants during 1992 to 1993, they are not entitled to the benefits of temporary status and regularisation as they were not working on the date on which the Scheme was brought.

3. We have heard the learned counsel on either side and have also perused the pleadings of the case. We find that the break in service cannot be attributed to the applicants and can be attributed only to the respondents since it was caused because of dis-engagement by the respondents that the applicants could not perform their duties. It was under these circumstances that the applicants have to approach the Tribunal in earlier applications wherein a direction was given to the respondents to re-engage the applicants and continue them in service and also to consider them for grant of

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temporary status and regularisation. Since, there was a direction in OA No. 2369/89 that after re-engagement, the applicants shall be considered for grant of temporary status and regularisation, the respondents are now barred from making a submission that the applicants are not entitled to the relief prayed for. Therefore, there is no merit in the contention raised in the reply statement of the respondents.

4. In the result, in view of what is stated above, we allow this application and direct the respondents to consider the grant of temporary status in favour of applicants and also regularisation in their turn in accordance with the Scheme with effect from the relevant date reckoning the length of their casual service including break in service for which they were not responsible. The above exercise shall be completed within a period of two months from the date of receipt of this order. There is no order as to costs.

R.K.Ahooja

(R.K.Ahooja)
Member (A)

A.V.Haridasan

(A.V.Haridasan)
Vice-Chairman(I)