

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No. 2409/1995

New Delhi, this 9th day of October, 1996

Hon'ble Shri A.V. Haridasan, Vice-chairman(J)  
Hon'ble Shri K. Ramamoorthy, Member(A)

1. Shri Kamalveer  
s/o Shri Ramraj  
RA91, Krishna Nagar, Delhi
  2. Shri Om Prakash Singh  
s/o Shri Kehar Singh  
WZ84, Mangopuri, Delhi
- Applicants

(By Shri A.K. Bhardwaj, Advocate)

vs.

Union of India, through

1. Secretary  
Ministry of Telecommunication  
Sanchar Bhavan, New Delhi

2. The District Manager  
Telecommunication  
Moradabad Dn. .. Respondents

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

ORDER(oral)

Shri A.V. Haridasan, VC(J)

Applicants No. 1 & 2 who commenced their casual service under CO, Telegraph, Lucknow with effect from 1.1.84 and 2.6.84, respectively, claim that they were from 1.2.88 made to work on ACGI basis in the office of District Manager, Telecommunication, Moradabad (R-2) till 17.11.94 and thereafter they were denied employment unjustifiably, denying to give the benefits of the Scheme of granting temporary status to the casual workers. Finding that the representation made in December, 1994 did not evince any response, the applicants have filed this application praying that disengagement of the applicants as casual labours w.e.f. 17.7.94 may be declared illegal, arbitrary and discriminatory and direction may be given to the

respondents to re-engage them as casual labour, grant them the benefit of temporary status and also appoint on regular basis.

2. The respondents in their reply admitted that the applicants had rendered casual service for several number of days from 1983 to 1988 with intermittent breaks but do not admit that they were put to work under the District Manager, Telecommunication, Moradabad. They also contend that the applicants are not entitled to the relief sought for in this application.

3. We have heard the learned counsel for the parties. Though in the reply the respondents denied that the applicants were transferred to Moradabad Division, there is no categorical denial as the respondents are not sure whether the applicants have worked in Moradabad or not. Learned counsel for the applicants states that as a matter of fact the applicants were <sup>deployed</sup> recalled to work <sup>under</sup> before the District Manager, Telecommunication, Moradabad where they have performed their work till 17.11.94 and that there should be some record in the office of the respondents atleast in regard to payment of wages to those who were engaged on ACGI basis.

4. Counsel on either side agree that if the applicants make representation to the second respondent detailing the period for which they have rendered service under the District Manager, Moradabad with further details regarding the officers under whom they have performed their casual service, it may be possible for the respondents to trace out the records and

consider their claim for re-engagement for <sup>an</sup> grant of further benefit if they are entitled in accordance with rules. Learned counsel therefore agree that the application may be disposed of with a direction to the applicants to make a consolidated representation in detail about their engagement in Moradabad within a month and further direction to the respondents to consider the representation and to pass a reasoned order.

5. In the light of what is stated above by the learned counsel, we dispose of this application with a direction to the applicants to make a consolidated representation to the second respondent detailing the period during which they have rendered service and other material which may be relevant alongwith any other supporting evidence, if available, within a period of one month from the date of receipt of a copy of this order and <sup>with a direction to</sup> also direct the second respondent to consider the representation, if any, received from the applicants within the aforesaid period of one month, in the light of the documents that may be available in the office of District Manager, Moradabad <sup>or in any other Subordinate office</sup> and if the applicants are found to have worked as claimed by them to grant them temporary status and other benefits if they are eligible <sup>in terms of the scheme</sup> for the same and also to re-engage them for casual service as and when work becomes available in preference to outsiders and freshers. <sup>As stated by</sup> Such an order on the representation shall be passed and communicated to the applicants <sup>by the second respondent</sup> within a period of three months from the date of receipt of the representation.

(K. Ramamoorthy)  
Member (A)

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