

CENTRAL ADMINISTRATIVE TRIBUNAL : PRINCIPAL BENCH

OA No.301/95

New Delhi this the 16th day of January, 1996.

Hon'ble Sh. N.V. Krishnan, Acting Chairman
Hon'ble Smt. Lakshmi Swaminathan, Member (J)

Yashveer Singh,
S/o Sh. Sultan Singh,
R/o Village Vantala,
P.O. P.S. Loni,
Dist. Ghaziabad (UP).

...Applicant

(By Advocate Mrs. Rani Chhabra)

Versus

1. Union of India through
its Secretary,
Ministry of Telecommunication,
Sanchar Bhawan,
New Delhi.
2. General Manager (Telephones),
Jaina Towers,
Ghaziabad U.P.
3. D.E.T. (Phones),
Telephone Exchange,
Ghaziabad.
4. Assistant Engineer (Phones-XM),
Telephone Exchange,
Raj Nagar,
Ghaziabad (UP).

...Respondents

(By Advocate Sh. M.M. Sudan)

ORDER (Oral)
(Hon'ble Mr. N.V. Krishnan, Acting Chairman)

The applicant has prayed for a direction to the respondents to reinstate and assign work to him and to grant him temporary status in terms of the scheme evolved by the Department.

2. On notice, the respondents filed a reply. As none was present for the applicant, we heard the learned counsel for the respondents on admission. Our attention was drawn by the learned counsel for the applicant to the order dated 16.2.95 in CP-345/94 in OA-346/94 - Ram Kishan and Others vs.

Union of India and Others. Therein, this Tribunal interpreted the provisions of the scheme notified by the Department of Telecommunication titled "Casual Labourers (Grant of Temporary Status and Regularisation) Scheme, 1989." It has been held that the provisions therein are of a permanent nature and, therefore, it is not necessary that one should be a casual labourer on the date on which the scheme came into force (1.10.89) in order to get the benefit of the scheme. It was held that even if a casual labourer was entertained subsequent to the coming into force of the scheme the benefit of the scheme would be available to him subject to satisfying other conditions mentioned in the scheme. It is in this view of the matter that notice was issued to the respondents. In the reply it is stated that the applicant is not entitled to the reliefs sought in view of the fact that he has been engaged after 1.10.89.

2. We are of the view that the OA itself can be disposed of at this stage because this reply cannot be accepted in the light of the aforesaid judgement of this Tribunal where it has been held that the benefit of the scheme would apply to every casual labourer irrespective of whether he was in position on 1.10.89, i.e., from the date the scheme came into force or on a later date, so long as he satisfies the other conditions mentioned in the scheme. In this view of the matter we direct the respondents to reconsider

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the case of the applicant in the light of the above legal position and in case the applicant satisfies the conditions mentioned in the scheme the benefits sought by the applicant viz. reengagement and grant of temporary status should be given to him within two months from the date of receipt of this order.

3. The O.A. is disposed of as above. No costs.



(Smt. Lakshmi Swaminathan)
Member (J)

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(N.V. Krishnan)
Acting Chairman