

Central Administrative Tribunal, Principal Bench

O.A.No.1176/96

Hon'ble Shri R.K.Ahooja, Member(A)

New Delhi, this 10th day of April, 1997

(15)

Pheru Ram Verma  
s/o Shri Ram Ashal Verma  
R/o 1664, Babu Park  
Kotla Mubarakhpur  
New Delhi - 110 003. .... Applicant  
(None)

Vs.

1. Union of India through  
its Secretary  
Ministry of Communications  
Department of Telecommunication  
Nirman Bhawan  
New Delhi.
2. The Chief General Manager  
Telecommunications  
Lucknow.
3. The Divisional Engineer(T)  
Mirzapur
4. The Sub-Divisional Engineer (Telecom)  
Satellite Earth Station  
Srinagar  
Garhwal. .... Respondents  
(None)

O R D E R(Oral)

The applicant claims that he worked as Casual Labour in the office of Assistant Engineer(Phones), Department of Telecommunications, Coaxial Cable Project, Telephone Exchange, Muzaffarnagar, upto October, 1991 and later with the Satellite Earth Station(SES), Srinagar, Garhwal, upto July, 1994. Since the work was going to be completed, the applicant approached the Divisional Engineer, Telecommunications, Mirzapur and asked him if there was any vacancy he may be allowed to work there. Accordingly his application was forwarded to that office with no objection. He is aggrieved that though he was given to understand that he will be given employment the respondents did not provide him <sup>a</sup> job. He also submits that having worked for more than 240 days in a year consecutively for five years from 1988 to 1994, he was

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entitled for conferment of temporary status as per the Casual Labourers (Grant of Temporary Status and Regulations) Scheme of Department of Telecommunications of 1989, Annexure A4. He has sought a direction that the non-assignment of work amounting to termination of services being contrary to Law, the respondents be directed to confer upon him temporary status and absorb him permanently in the Department.

(b)

2. The respondents in their reply have raised a preliminary objection, namely, that since the Uttar Pradesh Telecom Circle has been bifurcated the area in which the applicant was working now falls within the jurisdiction of the General Manager, UP(East), who has not been made a party. Secondly, they say that since the services of the applicant were terminated in 1994, the OA is time barred since the applicant has sought relief only in 1996. On merits they say no work was available and the applicant cannot be re-engaged.

3. Having considered the matter carefully, I find that the grounds raised by the respondents are not correct. Apart from the Chief General Manager, Telephone, Lucknow, the applicant has also made Divisional Manager Engineer Telecom as respondent. The Union of India, through Secretary, Ministry of Telecommunication has also been made a respondent. In view of this, all necessary parties are respondents. As regards the question of limitation, the applicant worked with the respondents upto the middle of 1994 whereafter his papers were sent to Mirzapur with a no objection for consideration against a possible vacancy. The applicant then had a continuing cause of action. Further the

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respondents themselves admit that TDF, Mirzapur had told the applicant during the course of his meeting with him that he may accommodate the applicant against the future vacancy but at present no vacancy is available. However, the respondents are right in saying that the conferment of temporary status does not mean automatic absorption on a regular basis.

(7)

4. In the facts and circumstances of the case, the OA is disposed of with a direction that in case the applicant files a representation within a period of three months from the date of communication of this order before the competent authority for grant of temporary status in accordance with the Scheme, A4, the same will be considered and decision taken thereon will be communicated to the applicant within a period of two months from the date of such representation. In case he is granted temporary status, he will be offered further re-engagement subject to availability of vacancy in accordance with the aforesaid Scheme. The applicant will be of course at liberty to seek further remedy in accordance with law, in case of any grievance arising as a result of the decision communicated to him in regard to grant of temporary status.

5. OA is disposed of accordingly. No costs.

R. K. Ahooja  
(R.K.AHOOJA)  
MEMBER (A)

Later on Shri M.M.Sudan, learned counsel appears on behalf of the respondents.

R. K. Ahooja  
(R.K.AHOOJA)  
MEMBER (A)

/rao/