

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI.

OA-1576/97

New Delhi this the 21st day of August, 1998.

Hon'ble Shri S.P. Biswas, Member(A)

Shri Kalwa Singh,  
S/o Sh. Banwari Singh,  
R/o 270/20, Bhartia Colony,  
Muzaffarnagar.

..... Applicant

(through Ms. Richa Goel for Mrs. Rani Chhabra)

versus

1. Union of India,  
through Secretary Telecom,  
Ministry of Communication,  
Deptt. of Telecommunication,  
Sanchar Bhawan,  
New Delhi.
2. Divl. Engineer Phones,  
E-10 B Telephone Exchange,  
Muzaffarnagar.
3. Asstt. Engineer Phones,  
E-10 B Telephone Exchange,  
Muzaffarnagar.
4. S.D.E. Phone,  
E-10 B Telephone Exchange,  
Muzaffarnagar.
5. S.D.E. Trunk,  
E-10 B Telephone Exchange,  
Muzaffarnagar.

..... Respondents

(through Sh. K.R. Sachdeva, advocate)

ORDER(ORAL)

The issue that falls for determination is a short one. The applicant is a casual worker under the respondents having been initially engaged in 1980. After a short spell of work he was disengaged in 1981 but was appointed once again in 1988. These engagements were, however, on purely temporary basis. The applicant submits that since 1988 he has been working continuously. In support of applicant's claim, the learned counsel drew attention to a long list of

certificates from Annexure P-1 at page 17 to Annexure A-2 at page 24. To add strength to her contention for applicant's claim of Temporary Status, she submitted that the applicant has been working for more than 240 days in each of the year with effect from 1988. Based on the details of working experience he had, the applicant would argue that his case for offer of temporary status is covered by the Scheme formulated by the respondents which came in operation from 1.10.89. In short, as per applicant his aforesaid claim is well covered under the instructions in para-7 of the aforesaid Scheme. To get relief in terms of temporary status, the applicant had also represented his case on 28.9.94 as mentioned at Annexure P3. The learned proxy counsel for the applicant also brought to my notice a decision of this Tribunal in OA-482/97 decided on 17.10.97 which lays down that respondents in such cases are required to consider his claim for confirmation of temporary status without there being any need for representation.

2. Shri K.R. Sachdeva, learned counsel for the respondents drew my attention to para-6 of the paperbook at page 14 to say <sup>that</sup> the submission of the applicant having exhausted the departmental remedy is not correct. He, however, conceded that in case a representation is made by the applicant, the respondents will be in a position to consider the applicant's claim for temporary status/regularisation.

3. In view of the position as aforesaid, the

O.A. is allowed with the following directions:-

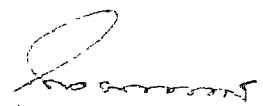
(11)

(i) The applicant shall submit a representation to the respondents setting out his claims alongwith documents that would support his case for temporary status. This shall be done within a period of 2 months from the date of receipt of a copy of this order.

(ii) The respondents shall consider the same within a period of 3 months after the receipt of representation, if made. The applicant shall be informed accordingly.

4. The O.A. is disposed of as aforesaid.

No costs.

  
(S.P. Biswas)  
Member(A)

/vv/