

(23)

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH: NEW DELHI

O.A. No. 176/97

New Delhi this the 13<sup>th</sup> Day of October, 1998

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

Hari Lal Chauhan,  
S/o Shri Badari Nath,  
R/o SH-158 Shastri Nagar,  
Ghaziabad -201 002.

Applicant

(By Advocate: Mrs. Rani Chhabra)

-Versus-

1. Union of India,  
through its Secretary,  
Ministry of Communication,  
Department of Telecommunication,  
Sanchar Bhawan,  
New Delhi.
2. The Chief General Manager,  
Telecom, Jaina Tower,  
Dehradun, U.P.
3. The General Manager,  
Telephone Exchange,  
Raj Nagar,  
Ghaziabad, U.P.
4. The Assistant General Manager (A),  
Department of Telecom,  
Ghaziabad.
5. The Divisional Engineer,  
E-10 B, D-II,  
Telephone Exchange,  
Raj Nagar,  
Ghaziabad, U.P.
6. The Divisional Engineer (Phones),  
Telephone Exchange,  
Ghaziabad, U.P. Respondents

(By Advocate : Shri K.R. Sachdeva)

ORDER

The applicant claims that he was engaged as a casual Typist in the year 1991 under Respondent No. 6, Divisional Engineer (Phones), Telephone Exchange at Ghaziabad, U.P. He alleges that even though he worked for the next four years continuously, the respondents in order to deny him the benefits of regularisation used to make payments on the ACG 17 Slips in the different names.

82

As a poor employee having no other alternatives, he used to put his signatures in the names suggested by the respondents. As the respondents did not give him temporary status and terminated his services, he filed O.A.No.1362/96 before this Tribunal which was disposed of vide order dated 29.9.1996 requiring the General Manager, Telephone Exchange, Ghaziabad to examine his representation with reference to records maintained by his department and to pass a speaking order thereon within six weeks. The applicant states that by the order dated 15.11.1996, Annexure A-7, the representation has been rejected on the ground that the applicant had not worked for 240 days and was not entitled for grant of temporary status. It is aggrieved by this order that he has again come before this Tribunal with the present O.A for quashing of the order dated 15.11.1996 and a direction to the respondents to reinstate him in service with all consequential benefits, including conferment of temporary status.

2. The respondents in reply have denied the claim of the applicant and have defended their order dated 15.11.1996. They also submit that as the applicant seeks regularisation against the post of Typist, he is not entitled to the benefit of the Scheme relating to the Casual Labour which is only for Group 'D' category.

3. I have heard the counsel on both sides. Smt. Rani Chhabra, the learned counsel for the applicant has sought to draw my attention to documents filed on behalf of the applicant including certain photographs and copies of identity cards issued to the applicant to establish that the applicant was actually working during this period for a period of four years continuously. On the

Dr

(3)

295

other hand, the respondents as already <sup>stated</sup> have denied this ground. The crucial point however is that the applicant himself admits that the daily wages were not received in his name but in different names suggested by the respondents and that he had also signed the receipt in those fictitious names. In other words the applicant himself admits that no wages were received by him in his own name. On his own admission that he colluded with the respondents and signed in fictitious names, he cannot expect the Tribunal to conduct an enquiry into a dispute as to who actually worked and who actually received the compensation. Photographs taken at farewells or testimonials issued by same officials cannot be treated as evidence strong enough to overlook the official records which do not show that the applicant was engaged and received payment for his work. In this view of the matter, I can find no fault with the impugned order rejecting the representation of the applicant.

4. Since the contention of the General Manager (Phones) is that the applicant is not entitled for the grant of temporary status as he has not put in 240 days required service as a casual labour, no other relief is possible except a direction to the respondents to consider the applicant for reengagement as a casual labour in preference to outsiders and freshers on the basis of his admitted service. This direction is issued subject to the availability of work with the respondents.

5. The O.A is disposed of with the above direction. There is no order as to costs.

*R. K. Ahooja*  
(R. K. Ahooja)  
Member (A)

\*Mittal\*