

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

OA-2651/97

New Delhi this the 21st day of August 1998.

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

Sh. Chander Bhan,
S/o Sh. Man Singh,
R/o Vill. Kashipur,
Teh: Dadri,
Distt. Ghaziabad(UP). Applicant

(through Sh. O.P. Khokha, advocate)

versus

1. Union of India through
the Secretary,
Ministry of Communication,
Dept. of Telecommunication,
Sanchar Bhawan,
New Delhi-1.
2. The Chief General Manager,
Telecom Project, Northern Zone,
Eastern Court Complex,
New Delhi-1.
3. The Divl Engineer (Telecom
Project Sat.),
Telecom Project(N/Z),
First Floor, A.R.A. Centre,
E-2, Jhandewalan Extension,
New Delhi-55. Respondents

(through Sh. Rajeev Bansal, advocate)

ORDER(ORAL)

The applicant is working as Daily Rated Mazdoor (DRM for short) in the office of DET, Sattelite Telecom Project from 1.1.89. He continued to work in the same capacity upto 31.10.89 and thus completed more than 240 days in the said year. The applicant claims grant of temporary status and regularisation in terms of Casual Labourers (Grant of Temporary Status and Regularisation) Scheme 1989.

2. This is the second round of litigation so far as the applicant is concerned. This Tribunal had examined the case of similarly placed employees in OA-2035/90 decided on 4.12.92. The aforesaid O.A. was disposed of with the following directions:-

"After careful consideration, we dispose of the present application with a direction to the respondents to accommodate the applicants in the Delhi Division, where they had worked, depending on the availability of vacancies in the said Division. In case, they cannot be accommodated in the Delhi Division, the respondents may consider posting them in other nearby places as casual labourers, depending on the availability of vacancies. The application is disposed of on the above lines. There will be no order as to costs."

3. The applicant submits that the three other employees, similarly placed, have since been engaged in RABMN SAT Maintenance, Telecom Project etc. The applicant would also argue that the respondents do have vacancies which need to be filled up by the similarly placed persons like the applicant herein.

4. The applicant has taken yet another plea, being a Scheduled Caste employee. This relates to the need for applying reservation quota ^{even} in respect of daily rated staff. The instructions in this regard have been issued by the DOP&T in its O.M. NO.36011/18/81 dated 16.7.81. The applicant submits that his claim needs to be considered also against reservation quota as per the instructions in para-2 of the aforesaid O.M. issued by the respondents.

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5. The respondents have not denied the legitimacy of the applicant's claim on either of grounds but submitted that they could not engage the applicant at a place where he had worked last [redacted] because of [redacted] non-availability of vacancy. Hence, they have kept his name in the waiting list and would expect that he could be considered for appointment. The area where the applicant could be considered, as per the respondents, is available at A-2. I find that the respondents at A-2 are willing to consider the applicant's candidature but is not in a position to do so because of certain documents required by them as mentioned in their communication dated 9.4.97. The consideration of the applicant's candidature can only take place after the Director Telecom Project (Satellite) Delhi Jhandewalan communicate those necessary details to Divisional Engineer RABMN, Sikenderabad.

6. The claim of the applicant is not in dispute. Neither the respondents are handicapped to consider him in other zones provided the necessary documents are available. The issue, therefore, hinges on the requirement of making the documents available to the DET, RABMN at Sikenderabad. In view of this position, I direct Respondent No.1 to issue necessary order to Director Telecom or any other responsible official to make the necessary documents available to DET, RABMN at Sikenderabad. This may be done within a period of two months. The respondents shall consider

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the case of applicant's engagement keeping in view of applicant having fulfilled all the condition for obtaining temporary status and also the need for adhering to the principles of reservation for SC & ST candidates in such categories as well.

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

No costs.


(S.P. Biswas)
Member (A)

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