

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

O.A. No. 483 of 1997

New Delhi this the 10th day of December, 1998

HON'BLE MR. K. MUTHUKUMAR, MEMBER (A)

Bishan Swaroopvi
S/o Shri Harbhajan Singh
R/o A-212, Sarojini Nagar,
New Delhi.

...Applicant

None for the applicant.

Versus

1. Union of India through
its Secretary,
Ministry of Communications,
Department of Telecommunications,
Sanchar Bhawan,
New Delhi.

2. Chief General Manager West
Dehradun.

3. Divisional Engineer Telephones,
E-10B D-II,
Rajnagar Telephone Centre,
Ghaziabad.

4. Assistant Engineer,
E-10B D.II,
Rajnagar Telephone Centre,
Ghaziabad.

...Respondents

By Advocate Shri K.R. Sachdeva.

ORDER (ORAL)

When this OA was listed on 7.12.98 the proxy counsel for the learned counsel for the applicant sought for an adjournment on the ground that the concerned file has been misplaced. Accordingly, adjournment was allowed and the case was listed today on the clear instructions that no further adjournment will be allowed. However, none is present for the applicant today and I, therefore, heard the learned counsel for the respondents and proceeded to disposed of the application.

24

2. Applicant seeks to quash the oral order of termination passed by the respondents terminating his services as casual labourer under the respondent No.4. It is alleged that such an oral termination of his services is contrary to the provisions of Section 25F of the Industrial Disputes Act and also contrary to fundamental rights. Therefore, he has sought for a direction to the respondents to take the applicant back on duty with all consequential benefits.

3. The applicant claims to have worked as a casual labourer continuously for more than 240 days. He has annexed copies of some attendance registers. In the light of this, he claims that he is entitled to temporary status also.

4. In reply filed by the respondents, they have firmly denied that the applicant has been engaged for more than 240 days. In fact, it is submitted by the respondents that the applicant was engaged as a casual labourer only on a temporary and casual basis for 31 days in the month of March and 30 days in the month of April, 1996. The respondents also submit that the so called attendance register annexed by him, is by way of tampering the attendance register while he was actually working in some other private company. It is stated that the applicant had attempted to collect the proof by adopting unfair means by tampering the attendance register.

25

5. The applicant has not filed any rejoinder although the counter was filed as early as in October, 1997. Therefore, there is no specific denial of the averments by the applicant which can be taken into account.

6. In the light of the aforesaid position, the applicant does not seem to have completed the requisite number of days of casual labour service for being considered for grant of temporary status or even for further engagement.

7. In the result, this application has no merit and is accordingly dismissed. There shall be no order as to costs.


(K. MUTHUKUMAR)
MEMBER (A)

Rakesh