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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.223/94

NEW DELHI THIS THE 3RD. DAY OF JANUARY, 1995.

MR.JUSTICE S.K.DHAON, VICE-CHAIRMAN(J)
MR.B.N.DHOUNDIYAL, MEMBER(A)

Sh.Toran Singh
S/o Shri Ram Dayal
C/o 1988 Lodi Road Complex
New Delhi. ...

APPLICANT

BY ADVOCATE MS.BHARTI SHARMA.

vs

1. Union of India
through Secretary
Ministry of Communication
Department of Telecommunication
Sanchar Bhawan
New Delhi.
2. Assistant Engineer Telecom
Railway Electrification Project
Betul(M.P.)
3. Assistant Engineer
Railway Electrification Project
Itarsi(M.P.)

... RESPONDENTS

BY ADVOCATE SHRI K.C.D.GANGWANI.

ORDER(ORAL)

JUSTICE S.K.DHAON:

A counter-affidavit has been filed but no rejoinder-affidavit has been filed. We have, therefore, to proceed on the assumption that the averments made in the counter-affidavit are correct.

2. In the counter-affidavit, it appears to be an admitted position that the applicant was employed as a casual worker and in that capacity, he acquired a temporary status. His services were terminated after following the due procedure as laid down in Section 25F of the Industrial Disputes Act, 1947. His services were terminated in the year 1990.

3. One of the pleas raised in counter-affidavit is that this OA is barred by limitation. The other plea taken is that the Principal Bench has no jurisdiction to entertain this OA as

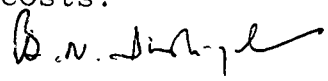
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no part of the cause of action has arisen within the jurisdiction of this Bench.

4. Technicalities apart, we are of the view that, even on merit, the applicant has no case. The relevant scheme clearly provides that even the services of a casual worker who has acquired a temporary status can be done away with after following the procedure laid down in Section 25F of the Industrial Disputes Act, 1947. As already stated, that has been done in the present case.

5. As a last resort, the learned counsel for the applicant, urged that we should issue a direction to the respondents to the effect that if and when the necessity arises for recruiting a casual worker at any place in the country in the Telecom Department, the respondents shall consider the case of the applicant for being given an engagement. We are not prepared to issue such a wide direction. We, however, make it clear that, if and when the respondents take steps to recruit a casual worker at Bhopal, they shall consider the case of the applicant for being given a fresh engagement on merits, in accordance with law and if he is otherwise eligible in competition with freshers.

6. With these observations, this OA is disposed of finally but without any order as to costs.


(B.N.DHOUNDIYAL)
MEMBER(A)

SNS


(S.K.DHAON)
VICE-CHAIRMAN(J)