

Central Administrative Tribunal
Principal Bench

O.A.No.2042/94
O.A.No.2327/94
O.A.No.24/96

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

New Delhi, this the 28th day of November, 1997

(2)

O.A.No.2042/94:

1. Ashok Kumar
s/o late Suresh Chand
r/o 117 Attarpara, Railway Road
Hapur
District Ghaziabad.
2. Sant Ram
s/o Banso Ram
r/o 117 Attarpara, Railway Road
Hapur
District Ghaziabad.
3. Satish Singh
s/o Bal Singh
House No.528, Mohalla Shari Nagar
Behind Wireless
P.O.Hapur
Dist. Ghaziabad.

... Applicants

Vs.

1. Union of India
through Secretary
Ministry of Communication
Department of Telecommunication
Sanchay Bhawan
New Delhi.
2. The Senior Superintendent
Telegraph Traffic
Bareilly Division
Bareilly.
3. The Assistant Superintendent
Telegraph Traffic
Hapur Mandi
District Ghaziabad.

... Respondents

O.A.No.2327/94:

1. Robert
s/o Shri Kalvin
r/o Mohalla Khinal
Thane - Navy Farm
Distt. Moradabad (UP).
2. Pathesh Joshi
s/o L.D.Joshi
S.O. Telegraphs
Pali Kothi
Moradabad (UP).

80

3. Yogesh Kumar Pachori
s/o Shri R.S.Sharma
c/o L.D.Joshi
S.O. Telegraphs
Peli Kothi
Moradabad (UP).

4. Shivshankar Lal
s/o Shri Ram Niwas Mishra
S.O. Telegraphs
Peli Kothi
Moradabad (UP).

... Applicants

Vs.

1. Union of India
through Secretary
Ministry of Communication
Department of Telecommunication
Sanchar Bhawan
New Delhi.

2. The Senior Superintendent
Telegraph Traffic
Bareilly Division
Bareilly.

3. Asstt. Superintendent Incharge
Telegraph Office
Moradabad.

... Respondents

O.A.No.24/96:

1. Mahendra Pal
s/o Shri Mewaram
r/o Village Manpur
Post Nauganwa Santosh
Dist. Pilibhit(UP).

... Applicant

Vs.

1. Union of India
through Secretary
Ministry of Communication
Department of Telecommunication
Sanchar Bhawan
New Delhi.

2. Chief General Manager
Telecommunication
U.P.Circle/Division
Lucknow.

3. Office of the Senior Superintendent
Telegraph Traffic
Bareilly Division
Bareilly.

4. Officiating Officer
Telegraph Office
Pilibhit (UP).

... Respondents

Advocates: Mrs. Rani Chhabra, in CA No.2042/94, OA No.2327/94
and in OA No.24/96 - for the applicants

Shri M.M.Sudan, in CA No.2042/94, OA No.2327/94
and in OA No.24/96 - for the respondents.

Shri K.R.Sachdeva in CA No.24/96 - for the respondents

Or

-3-

OR D E R (Oral)

(V)

These three OAs, involving similar question of law and facts, are being disposed of at this stage by this common order.

2. The applicants in all these three OAs claim to have worked both as a part-time and full-time casual labourers with the Senior Superintendent of Telegraph Traffic, Bareilly Division for various periods (these posts have since been abolished and the work has been distributed to Telegraph Traffic Division of respective districts). The applicants submit that they were initially appointed to work as sleeper for two hours. Later this work has been increased to six hours and ultimately they were asked to work in Telegraphic Department on Full-time basis. Later the respondents reverted them as part-time workers even though work was available with the respondents. Essentially their claim is that they should be given the benefit of Scheme devised by the respondents in respect of Casual Labourers' (Grant of Temporary Status and Regularisation) Scheme of the Department of Telecommunications, 1989 and they be regularised in the employment of the respondents, Department of Telecommunication.

3. The respondents in their various replies have given details of the applicants, part-time and full-time work, rendered by the applicants. However, they submit that applicants are not entitled to the benefit of the aforementioned scheme since, as required by the scheme, they were not in employment on 1.10.1989 i.e., the date on which the Scheme ~~was~~ came into effect.

4. I have heard the counsel for both the parties. From the reply, Annexure R4, submitted by respondents ~~wherein~~ it has been mentioned that the Full Time service rendered by the applicants is as follows:

JV

(5)

O.A.No.2327/94 (1) Shri Robert in 1994 240 days Full Time

- (2) Shri Ratnesh Joshi in 1994 138 days Part Time
- (3) Shri Yogesh Pachori 1994 208 days PT & FT
- (4) Shri S.Shankar Mishra 1994 295 days PT & FT

O.A.No.2042/94 (1) Shri Ashok Kumar 1990 to 1994 more than 240 days in every year on FT

- (2) Shri Santa Ram 1994 more than 240 days
- (3) Shri Satish Singh in 1994 251 days Part Time

O.A.No.24/96

- NIL -

5. As submitted by the learned counsel for the applicants in all these cases, the Tribunal has already held in Samod Kumar & Another Vs. Secretary, M/o Telecommunication & Others, OA No.428/96 that all casual labourers who have rendered more than 240 days casual service in a year are entitled to the benefit of the Scheme irrespective of whether they were in an engagement with the respondents on 01.10.1989 and cannot be denied on the ground of this cut-off date. Thus all the applicants who have rendered more than 240 days in a year are entitled to the benefit of the above Scheme. As regards the prayer of the applicants ~~that~~ they should be given full time work again, the respondents state that the engagement of the applicant is being done on need basis. Obviously if sufficient work is not available with the respondents they cannot be asked to keep the applicants in engagement on full time basis.

6. In view of the facts and circumstances of the case the only relief that can be afforded to the applicants is that the respondents should grant them temporary status under the Scheme, if they ~~have~~ completed 240 days full time engagement in a year.

02

As per the particulars mentioned in para 4 above Shri Ashok Kumar, Applicant No.2, Santa Ram in OA No.2042/94, and Robert, Shiv Shankar Mishra in OA No.2327/94 are entitled to the benefit of the Scheme. Accordingly the OA is disposed of with the direction to the respondents to confer temporary status ^{on them} under the Scheme of 01.10.1989. If the work is not presently available with the respondents they will consider them, as and when the work is available, for re-engagement giving them due preference on the basis of their seniority and would also consider them for regularisation in accordance with the provisions of the said Scheme.

7. It has been brought to ~~the~~ notice by the learned counsel for the respondents that due ^{to} bifurcation of the work of U.P. Telegraphic Circle into the Western Circle ~~and~~ the applicants will come under Western Telegraph Centre. Accordingly, the copies of this order may be sent to the CGM, Western Circle (Telegraph) who will issue the necessary directions for compliance.

All the above OAs are disposed of as above. No costs.

R.K.Ahooja
(R.K.AHOOJA)
MEMBER(A)

/rao/

Prakash D.