

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH

OA. No. 365 of 1994

New Delhi, this 11th day of February, 1998. (26)

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

Smt. Soni Patel  
W/o Shri H. C. Patel

R/o D-II 18, Kaka Nagar

Servant Quarter, Sunder Nagar

NEW DELHI.

... Applicant

By Advocate: Mrs Rani Chhabra

versus

1. Union of India,  
Through its Secretary,  
Ministry of Communications,  
Department of Telecommunication,  
Sanchar Bhawan,  
NEW DELHI.

2. Divisional Engineer,  
(Administration),  
Office of General Manager,  
Telecommunication,  
Dist. Ghaziabad.

3. Sub Divisional Officer,  
Telegraph, Modinagar.

4. Junior Telecom Officer(o/d),  
Telephone Exchange,  
Modinagar.

... Respondents

By Advocate: Shri M. M. Sudan

O R D E R (ORAL)

Heard the learned counsel for the parties. The learned counsel for the applicant brought to my notice that this matter was heard by a Division Bench on 28.2.95 and the case was adjourned sine die pending the decision of the Hon'ble Supreme Court in the matter of Smt.

(21)

Sakkubai & Anr. Vs Secretary, Ministry of Communications, where the ratio of the judgment of the Ernakulam Bench of the Tribunal about the status of part-time workers was before the Hon'ble Supreme Court. The Apex Court has since disposed of the aforesaid case by order dated April 2, 1997, a copy of which has been annexed now. The Hon'ble Supreme Court has held that the Tribunal's interpretation that the scheme for conferring temporary status to the full-time casual labourers would also be applicable to the part-time casual labourers, is erroneous.

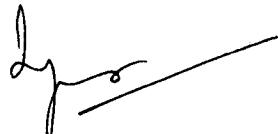
The learned counsel for the applicant submits that at the time when this application was filed by her, the Ernakulam Bench's decision was available and she sought her relief on the basis of that judgment. She, however, submits that the applicant was engaged as a part-time casual labourer in December 1993 and she had been working almost full time for a number of years. The learned counsel prays that atleast the applicant should be considered for engagement as a casual labourer in preference to freshers and outsiders.

The learned counsel for the respondents submits that although no work is available, the applicant is free to approach the respondents for fresh engagement as and when the work is available.

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Taking into account the submission made by the learned counsel for the respondents, this application is disposed of with a direction to the respondents to consider the applicant for any future engagement as casual labourer in accordance with rules as and when the work becomes available in preference to freshers and outsiders.

The application is disposed of as above.  
There is no order as to costs.



(K. Muthukumar)

Member (A)