

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

NEW DELHI THIS THE 19TH DAY OF OCTOBER, 1994.

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

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OA No.541/94

1. Birbal Singh Martolia
S/o Shri Vijay Singh Martolia
R/o V.Kadakheth
P.O.Farsali Tehsil Bageshwar
Dist. Amora(U.P.)
2. Shri Balbir Singh Bisht
S/o Sh.Diwan Singh Bisht
R/o V.Channa Kumar
P.O.Sheri Kumdar
Dist.Pithoragarh(U.P.)
3. Sh.Pushkar Singh
S/o Sh.Kumar Singh
R/o V& P.O.Mawati Dawani
Tehsil Munshthari
Dist.Pithoragarh(U.P.) ..

Applicants

BY ADVOCATE MRS.RANI CHHABRA.

Vs.

- 1 Union of India
through Secretary, Telecom
Ministry of Communication
Department of Telecommunication,
Sanchar Bhawan
New Delhi.
2. C.J.M.Telephones
Lucknow
3. Divisional Engineer Telephones
Microwave Bareilly
4. Assistant Engineer
Microwave Project
Almora
5. Assistant Engineer UHF
Telephone Exchange
Pithoragarh(U.P.)

BY ADVOCATE SHRI B.LALL.

OA No.674/94

1. Mohan Singh
S/o Late Sh.Bache Singh
R/o V& P.O.Guler
Tehsil Bageshwar,
Dist.Almora
2. Laxman Singh
S/o Late Shri Bache Singh
R/O V& P.O.Guler
Tehsil Bagaeshwar,
Dist.Almora

BY ADVOCATE MRS.RANI CHHABRA.

Vs.

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

2. Chief General Manager
Telecom(Maintenance)
N.T.R.Kidwai Bhawan, New Delhi.
3. Director Telecom(Maintenance)
5th Floor, Akriti Towers
19B Vidhan Sabha Marg, Lucknow
4. Divisional Engineer Telecom(Maintenance)
New Auto Telephone Exchange
Building Chaupuli
Bareilly
5. Assistant Engineer UHF
New Telephone Exchange Building
Almorah

RESPONDENTS

BY ADVOCATE SHRI B.LALL.

ORDERA(ORAL)

JUSTICE S.K.DHAON:

Shri B.Lall, learned counsel, appearing for the respondents, states that the controversy involved in these two OAs is similar. Therefore, we have heard them together and we are disposing of the same by a common judgement.

2. The applicants in both the OAs are casual workers in the Telecom Department. Their common grievance is that they are not being accorded a temporary status in spite of the fulfilment of the conditions laid down in the Casual Labourers(Grant of Temporary Status and Regularisation)Scheme of the Department of Telecommunication, 1989(hereinafter referred to as the Scheme).

3. Shri Lall admits that each of the applicants in the two OAs fulfil the requirements of para 5(i) of the Scheme in so far as they have rendered service during the requisite period. He, however, states that the applicants would be granted a temporary status as and when their turn comes after due screening. This stand is not justified. The terms of the Scheme are clear. Grant of temporary status is automatic. No specific order is required. Once a casual labourer is found to have rendered a continuous service of at least one year and is also found to ^{have been} engaged for work for 240 days or 206 days, as the case may be, he is entitled to be given a temporary status as of right. The crucial words in the Scheme are : "Such casual labourers will be designated as temporary mazdoor".

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We, therefore, conclude that the respondents are under a legal obligation to treat the applicants as having acquired a temporary status. They are also legally bound to designate them as temporary mazdoors.

4. With these directions, these OAs are disposed of finally but without any order as to costs.

B.N.D.H.
(B.N.DHOUNDIYAL)
MEMBER(A)

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

SNS