

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL NEW DELHI

O.A. No.
T.A. No.

797

1994

(13)

DATE OF DECISION 18.11.1996

Vishwas

~~PERKONER~~ ApplicantAdvocate for the ~~Perkoner~~ Applicant

Ms. Kiran Chhabra

Versus

Union of India & Ors.

Respondent s

Advocate for the Respondent(s)

Shri B. K. Aggarwal

CORAM

The Hon'ble Mr. JUSTICE CHETTUR SANKARAN NAIR, CHAIRMAN

The Hon'ble Mr. S. P. BISWAS, MEMBER (A)

1. To be referred to the Reporter

(Justice C. Sankaran Nair)
Chairman

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

14

O.A. NO. 797/1994

Monday this the 18th November, 1996.

HON'BLE SHRI JUSTICE CHETTUR SANKARAN NAIR, CHAIRMAN
HON'BLE SHRI S. P. BISWAS, MEMBER (A)

Shri Vishwas S/O Gurucharan,
R/O V. Jhajhanpur,
P.O. Harthala Samakpur,
Distt. Moradabad. ... Applicant

(By Ms. Kiran Chhabra, Advocate)

-Versus-

1. Union of India through
Secretary, Ministry of
Communication, Department of
Telecommunication, Sanchar
Bhawan, New Delhi.
2. Director, Telecom Project,
Building No. 23/24, Dev Vihar
Colony, Moradabad.
3. Divisional Engineer Telecom Project,
Building No. 23/24 Dev Vihar Colony,
Moradabad. ... Respondents

(By Shri B. K. Aggarwal, Advocate)

The application having been heard on 18.11.1996
the Tribunal on the same day delivered the
following :

O R D E R

CHETTUR SANKARAN NAIR (J), CHAIRMAN -

Applicant seeks a direction to respondents to
confer temporary status on him and to regularise
his services in terms of the scheme governing the
matter. The claim is contested by respondents
on the ground that applicant :

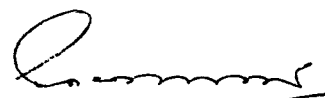
"has not been working as a casual
labour but only as a Sweeper for
half an hour on contract basis.."


...2.

We find a tendency to discover new nuances and new nomenclatures, as and when the existing ones become inconvenient to the departments. We are not stating whether that has happened or has not happened in this case. These ameliorative measures must be implemented in the spirit in which they have been conceived. The Full Bench decision of this Tribunal in Smt. Sakkubai & Anr. vs. Secretary, Ministry of Communications & Ors., 1993 (2) ATJ 197 lays down that no distinction exists between a part time casual labour and a full time casual labour. To our mind, the attempt to classify casual labourers into sub divisions, itself is a meaningless semantic exercise because the expression 'casual labour' is the antithesis of everything that is regular. We direct respondents to consider the claim of applicant uninfluenced by the stand in the reply statement, pass speaking orders in the matter and communicate the same to applicant within three months from today. We make it clear that this direction by itself will not confer a cause of action on applicant.

2. Application is disposed of as aforesaid.
No costs.

Dated, 18th November, 1996.


(S. P. Biswas)
Member (A)


(Chettur Sankaran Nair, J.)
Chairman

/as/