

(12)

Central Administrative Tribunal
Principal Bench
New Delhi

C.P.320/87
in
O.A.2078/96

This the 4th day of December, 1997

HON'BLE DR. JOSE P. VERGHESE, VICE CHAIRMAN (J)
HON'BLE MR. N. SAHU, MEMBER (A).

Shri Sarvajeet Dubey
S/o Shri Baij Nath Dubey
R/o 31, Aurangzeb Road
New Delhi-110011. ... Petitioner

(By Advocate Sh. S. C. Luthra alongwith
Shri D. P. Khokha)

Versus

1. Shri R.K. Thakkar
Secretary (Ministry of Communication)
Dept. of Telecommunications
Sanchar Bhawan,
New Delhi-110001.
2. Shri Sampat Kumar
General Manager
Northern Telecom Region
Kidwai Bhawan,
New Delhi. ... Respondents

(By Advocate Shri R.P. Aggarwal)

ORDER (Oral)

By Hon'ble Dr. Jose P. Verghese, VC (J).

In this C.P. the petitioner is complaining against non-implementation of our order dated 9.4.97, according to which respondents were to verify whether the petitioner was being paid as daily rated mazdoor or as Casual Driver. On verification they have found that the petitioner has been paid as Casual Driver.

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2. Learned counsel for the petitioner submits that even if the petitioner was actually engaged as Casual Driver, as long as he does not claim for regularisation in Gr.'C', he could have been treated as a Daily rated Mazdoor in Gr.'D' and the benefit of the claim should have been extended to the petitioner.

3. Learned counsel for the respondents submits that such an issue does not arise in the C.P. Petitioners may make a representation in this regard, it can be considered in accordance with the rules. We find that the respondents should not have any objection to consider the case of the petitioner as Daily Rated Mazdoor after foregoing his claim for regularisation in Gr.'C' for the purpose of availing the benefit of Gr.'D' as Daily Rated Mazdoor. With these observations, the C.P. is disposed of. Notices discharged.

RB.

Kanu Sahu
(N. SAHU)
M(A)

DR. Jose P. VERGHESE
VC(J)