

(9)

CENTRAL ADMINISTRATIVE TRIBUNAL
Principal Bench

O.A. No. 1571 of 1994

New Delhi, dated the 16th October, 1995

HON'BLE MR. S.R. ADIGE, MEMBER (A)

HON'BLE DR. A. VEDAVALLI, MEMBER (J)

Shri Sabhajit Rao,
S/o Shri Jai Ram,
R/o 165, Moj Pur,
Shahdara, Delhi. ... APPLICANT

(Advocate: Ms. Bharti Sharma)

VERSUS

1. Union of India through
the Secretary,
Ministry of Communication,
Dept. of Telecommunication,
Sancha Bhawan,
New Delhi.

2. The Asstt. Engineer,
Oaxical Cable Construction/Survey,
85, Master Tara Singh Nagar,
Jalandhar. ... RESPONDENTS

(By Advocate: Shri M.M. Sudan)

ORDER (ORAL)

BY HON'BLE MR. S.R. ADIGE, MEMBER (A)

In this application Shri Sabhajit Rao, a daily-rated casual Labourer has sought for a direction to the Respondents to engage him with immediate effect, and thereafter for grant of temporary status to which he claims to be eligible w.e.f. 1.10.95 and also other consequential benefits in accordance with the scheme evolved by the Respondents' Dep'tt. Shortly ~~speaking~~^{stated}, the applicant who was working as a daily-rated casual labourer in the Dep'tt. of Telecommunications,

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Coaxical Branch, Jalandhar from January, 1987 to
August, 1988 ^{and} was sent on deputation to the TCIL
w.e.f. 1.9.1988 where he worked till 12.8.93.

Thereafter it appears that by letter dated 17.8.93
addressed to the Office of the Asstt. Engineer,
Cable Construction/Survey, Ambala Cantt.,
the applicant was repatriated w.e.f. 17.8.93
and was asked to report to that office.

2. While the applicant's counsel Ms. Sharma
states that the applicant did report to that
office in person soon after 17.8.93, Respondents'
counsel Shri M.M. Sudan who has filed the reply
to the O.A. on behalf of the Asstt. Engineer,
Coaxical Cable Branch, Jalandhar i.e. the Resp. No.2
states that there is evidence that the
applicant did report to them.

3. We have no reason to doubt the
authenticity of the TCIL letter dated 17.8.93
by which the applicant was repatriated w.e.f.
17.8.93 and certifying that he worked in TCIL
from 1.9.1988 ^{to} 12.8.1983, for a period of ^{over} ~~about~~
five years. Even before that, it is not denied
that the applicant worked with the Respondents
as a daily-rated casual labourer from January 1987
to August, 1988.

(1)

4. Under the circumstances the applicant is entitled to a direction to the Respondent to consider reengaging him as a daily-rated casual labourer, in the first instance with immediate effect, in preference to ~~the~~ outsiders and persons with ^{equal} lesser length of service subject to the availability of work. In case for any reason the Respondents are unable to re-engage the applicant with immediate effect they will record the reasons for doing so under intimation to the applicant by means of a detailed, speaking and reasoned order within three months of the date of receipt of a copy of the judgment.

5. Thereafter the Respondents should consider the case of the applicant in accordance with the Casual Labourer (Grant of Temporary Status and Regularisation) Scheme (Ann. A.6) as well as the contents of the Communications Ministry's O.M. dated 14.1.88.

6. This O.A. is disposed of accordingly.
No costs.

A. Vedavalli

(DR. A. VEDA VALLI)
Member (J)

S. R. Adige
(S. R. ADIGE)
Member (A)

/GK/