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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

O.A.No.1938/94

HON'BLE SHRI A.V.HARIDASAN, VICE-CHAIRMAN(J)
HON'BLE SHRI R.K.AHOOJA, MEMBER(A)

New Delhi, this 13th day of July, 1995

Shri Bhupinder Singh
s/o Shri Kabul Singh
r/o 1228 Pratap Nagar
Paharganj
New Delhi.

Shri Iqbal Singh
s/o Shri Atma Singh
r/o 1228, Pratap Nagar
Paharganj
New Delhi.

Shri Parmjit Singh
s/o Shri Tirth Singh
r/o 1228, Pratap Nagar
Paharganj
New Delhi.

Shri Gurbhej Singh
s/o Shri Raja Ram
r/o 1228, Pratap Nagar
Paharganj
New Delhi.

... Applicants

(By Mrs. Rani Chhiber, Advocate)

Versus

Union of India; through

The Secretary
Ministry of Communication
Department of Telecommunication
Sanchar Bhawan
New Delhi.

The Sub-Divisional Officer
Phones-I
Patiala.

Sub-Divisional Officer
Phones-II
Patiala.

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- 2 -

The Divisional Engineer Telecom,
Patiala Division
Patiala.

Respondents

(By Shri M.M.Sudan, Advocate)

O R D E R (Oral)

Hon'ble Shri A.V.Haridasan, Vice-Chairman(J)

The applicants, who were engaged as Casual Labourers under the respondents, during the period from 1982 to 1987 have now filed this application praying that the respondents may be restrained from getting the work of perennial nature done through contractors, that oral termination order passed by the respondents may be set-aside, as it is illegal and in contravention of the provisions contained in Section-25 of the Industrial Dispute Act, and that the respondents be directed to reinstate the applicants in service and confer them all the benefits.

2. It is alleged that the first applicant was last engaged in the year 1989, the second in the year 1986, the third in the year 1982 and the fourth in the year 1987. They claim that even though work was available, their services were terminated without compliance with the provisions of the Industrial Disputes Act., by getting the work of perennial nature, done through contractors and that the termination of their services is against the provisions contained in the Contract Labour (Regulation and Abolition) Act, 1970.

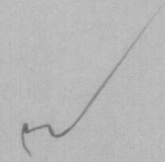
3. The respondents in their reply have contended that the applicants do not have a cause of action as they have not made any representation before approaching this Tribunal, that the averment that services were terminated without following the procedure of the Section 25 of the Industrial Dispute Act

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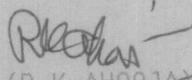
is not correct as they had themselves abandoned the work w.e.f. various days mentioned in their application, and that they are not entitled to any reliefs.

4. Since the application has been filed beyond the period of limitation, the applicants have also filed an MA No.3317/94 for condonation of delay. No sufficient ground seems to have been mentioned in the MA for condonation of delay. Apart from that, if as a matter of fact, the applicants had been removed from casual engagement without compliance with the Industrial Dispute Act, it can not be believed that they did not seek the remedies provided in the Industrial Disputes Act. They could have **invoked the** Industrial Dispute Act by approaching the machinery provided in the Act. This has not been resorted to by the applicants.

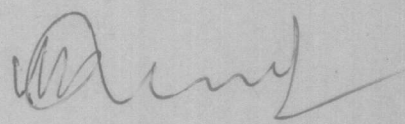
5. Secondly, the contention of the respondents is that the applicants have themselves abandoned their work ^{and} have not made any representation seeking reengagements and therefore, the application cannot be admitted, in terms of Section-20 of the Administrative Tribunals Act ^{and further} that the applicants have not exhausted the departmental remedies for redressal of their grievance for the last 7 to 13 years as admitted by them in their application. Moreover, the respondents have contended that those Casual Labourers who continued to work and were extended the benefit of Casual Labour and grant of temporary status and regularisation scheme are being granted the benefit of the scheme and that the applicants who have left to their own and have not turned up for work are not entitled to seek any relief at the belated stage.



6. On going through the application and on hearing the counsel for either side, we are convinced that, the applicants whose casual service has come to an end in 1982, 1986, 1987 and 1989 are not entitled to come forward and claim reengagement after such a long time. Their claim based on some casual service rendered in the past which has been completed for gone ^{has been long} by ~~thirteen years~~ ago **have** no valid and sustaining cause of action now. Therefore, we do not find any cause to be further delebrated. Secondly, the application is rejected under Section 19(3) of the Administrative Tribunals Act, 1985.


(R.K.AHOOJA)
MEMBER(A)

/RAO/


(A.V.HARIDASAN)
VICE-CHAIRMAN(J)