

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

Original Application No.1939 of 1994

New Delhi, this the 6th day of January, 1998

Hon'ble Mr. N. Sahu, Member(Admnv)

Hari Ram, S/o Shri Jhapasi Ram, r/o
1/247 Kichiri Pur, Kalyan Puri Delhi.

-APPLICANT

(By Advocate - Mrs.Rani Chhabra)

Versus

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

2.Junior Engineer Coaxical 285, Master
Tara Singh Nagar, Jallandhar(Punjab)

-RESPONDENTS

Oral Judgment

By Mr. N.Sahu, Member(Admnv) -

The undisputed facts of this case are in a brief compass. The applicant was recruited as a casual labour in the Department of Telecommunication in August, 1987 and he worked under respondent no.2, Junior Engineer Coaxical, Jallandhar upto May, 1988. He was subsequently sent on deputation to Telecom Consultant India Limited (in short TCIL) vide order dated 28.5.1988 along with others. Subsequently, he was sent to Saudi Arabia where he worked from June, 1988 continuously till December, 1991. The applicant has filed a certificate dated 19.2.1992(Annexure-A-IV) issued by the General Manager, TCIL certifying the total number of working days of the applicant. Thus, with more than 240 days of service between August 1987 and May 1988 and around 4 years of service in Saudi

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Arabia, he approached the respondents for assigning him work but he was refused and as a result this O.A. is filed seeking a direction to engage him immediately and to confer temporary status with consequential benefits.

3. The learned counsel for the applicant cited a decision of this Court in O.A.No.2985 of 1991 dated 26.4.1994, **Shri Surinder Kumar & others Vs. Union of India & others.** The facts in that case are absolutely identical. There the applicants also worked initially with the Department of Telecommunication and were sent to Saudi Arabia on deputation and eventually were repatriated by the TCIL. This Tribunal held that they are entitled to the benefit of the Casual Labourers (Grant of Temporary Status and Regularisation) Scheme, 1989 (hereinafter referred to as 'the Scheme') as they were employed in the Telecommunication Department on 1.10.1989, the date on which the Scheme came into force. The order referred to earlier decisions on this subject in O.A.No.1782/92, **Karan Singh & Others Vs. Union of India & others**, decided on 16.8.1993; and O.A.No.1866/93, **Rishi Pal Singh Vs. Union of India**, decided on 12.4.1994. I would do no better than follow the above Orders and direct the respondents to count the services rendered by the applicant from 1987 onwards for deciding his seniority as a casual labour and include his name in the list prepared under the Scheme with that seniority. Needless to say respondents shall within four weeks from the date of receipt of a copy of this order grant him temporary status on the date he is due as per the Scheme and a copy thereof shall be communicated to the applicant and



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served on him finally. The respondents shall within a period of 8 weeks thereafter engage him/ reinstate him wherever there is a vacancy in his line and grade in view of the past service rendered by him. The O.A. is disposed of. Rs.500/-(Rs.Five hundred only) is awarded to the applicant by way of costs.

N. Sahu

(N. Sahu)
Member (Admnv)

rkv.