

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

O.A.NO.2508/2000

Wednesday, this the 19th day of December, 2001

Hon'ble Shri S.A.T. Rizvi, Member (A)

Kamlesh Dubey,  
House No. 1/2455A,  
New Modern Ram Nagar,  
Gali No.25,  
Shahdara  
Delhi -32

..Applicant

(By Advocate: Shri S.N. Anand)

Versus

1. Union of India, Through Secretary,  
Department of Telecom.  
(Ministry of Communication)  
Sanchar Bhawan,  
20, Ashoka Road,  
New Delhi - 110 001

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2. The Chief General Manager,  
UP (Eastern) Telecom. Circle,  
Department of Telecom.  
(Government of India)  
Lucknow

..Respondents

(By Advocate: Shri M.M. Sudan)

O R D E R (ORAL)

On the strength of the service rendered by the applicant in casual capacity for varying periods of time from 1983 onward right upto 1998, he seeks relief by way of conferment of temporary status in terms of the Casual Labourers (Grant of Temporary Status & Regularisation) Scheme of the Department of Telecommunication, 1989 (Scheme of 1989, hereinafter). The further relief sought by him is for regularisation in a Group 'D' post in terms of the same Scheme.

2. Though the details furnished in the OA reveal that the applicant has rendered more than 240 days of service in years such as 1984, 1991, 1992, 1993, 1994,

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1995, 1996, 1997 and 1998, no worthwhile and reliable record has been brought up <sup>in support of the claim</sup> except to an extent in respect of the year 1992-93. The learned counsel appearing on behalf of the applicant has drawn my attention to Annexure-A enclosed with the written statement filed by the respondents to contend that, at any rate, from February 1992 to January 1993, the applicant had completed more than 240 days of casual service and, therefore, had become eligible for conferment of temporary status in accordance with the Scheme of 1989. The learned counsel appearing on behalf of the respondents has assailed the aforesaid claim by submitting that the period shown in the aforesaid Annexure 'A' was subjected to verification by the concerned officer in the respondents' department, and as a result it was discovered that the applicant had actually worked for a much lesser period than claimed from February 1992 to January 1993. Annexure WS-2 enclosed with the written statement filed on behalf of the respondents makes it amply clear that the actual period of applicant's casual service was much less than claimed in each of the months from February 1992 onward. The respondents' contention is that the various experience certificates produced by the applicant in support of the period of service rendered by him during the years in question are suspect and the applicant has tried to increase the number of days of his service by tampering <sup>with</sup> and by over-writing the figures finding place in the experience certificates. To <sup>illustrate</sup> ~~illustrate~~ the situation, the learned counsel appearing on behalf of the respondents has drawn my attention to the statement placed at page 7 of the rejoinder filed on behalf of the

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applicant. On that page, I find a certificate indicating the period of service rendered by the applicant from February 1992 upto February 1993. This is indeed the crucial period for determining the claim of the applicant for conferment of temporary status. Glancing though the aforesaid certificate one can, without difficulty, notice tampering/over-writing in some of the figures, if not in all. Be that as it may, I find nothing on record to dispute the claim made on behalf of the respondents in this regard. In the circumstances, I find that the applicant cannot be said to have completed more than 240 days of service in any period of 12 months right from 1983 onward.

3. The learned counsel appearing on behalf of the respondents has raised the issue of limitation also. The applicant was admittedly last employed in 1998. The present OA has been filed in November 2000. There is obviously a delay of more than 18 months. The application filed on behalf of the applicant for condonation of delay does not come out with any convincing reason in support of the delay. Filing of representations repeatedly one after the other cannot, in my view, revive limitation. The present OA is thus time barred as well.

4. The issue of non-joinder of necessary parties has also been raised. In the OA, apart from the Union of India, the only other respondent impleaded is the Chief General Manager, UP (Eastern) Telecom. Circle, Lucknow. During the course of applicant's casual employment from

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time to time he had worked in several places, namely, Mathura, Haldwani, Haridwar, Dehradun, Bareilly etc. From 1995 onward these various places are no longer within the jurisdiction of one and the same Telecom. Circle. These are presently included, according to the learned counsel appearing on behalf of the respondents, within the Telecom. Circles with headquarters located at Lucknow, Dehradun and in Uttranchaal. Thus, clearly the OA suffers from non-joinder of necessary parties.

5. For the reasons mentioned in the preceding paragraphs, the OA fails and is dismissed. No costs.

(S.A.T. Rizvi)  
Member (A)

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