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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

O.A. 1411 of 1990

New Delhi this the 27th day of May, 1994

Mr. Justice S.K. Dhaon, Vice-Chairman
Mr. B.N. Dhoundiyal, Member

Shri Vipin Kumar Sharma
R.o Sattellite Station,
Sikandrabad (U.P).,
District Bullundshahr.

....Applicant

None for the applicant

Versus

1. Union of India through
Min. of Telecommunication,
Sanchar Bhawan,
Janpath,
New Delhi.
2. Chief General Manager (NTR),
36, Janpath,
2nd Floor, Kidwai Bhawan,
New Delhi.
3. Director NOCC,
2nd Floor, Kidwai Bhawan,
New Delhi.
4. Telecom District Manager,
R-2/101, New Raj Nagar,
Ghaziabad.
5. J.D.E. Office of TDM,
R2/101, New Raj Nagar,
Ghaziabad.
6. Chief General Manager,
U.P. Circle,
Lucknow.

...Repsondents

None for the respondents.

ORDER (ORAL)

Mr. Justice S.K. Dhaon, Vice-Chairman

The central question to be decided in this O.A. is whether the applicant is entitled to the scale of skilled labourer as his services have been regularised as unskilled labourer. According to his own case, he was treated all through as an unskilled labourer and paid accordingly. Admittedly, the applicant was engaged as a casual worker. According to his own showing, he was not regularised in that capacity but work of an electrician was taken from him.

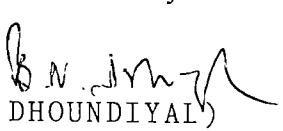
On the contrary, the case set up by the respondents is that he was ~~on~~ one stage treated as a skilled labourer. However, he was associated with the work of

Electrician but was treated as an unskilled labourer.

The averments made in paragraph 4.16 of the counter-affidavit, in our opinion, clinch the issue. In it, it is, inter alia, recited that in the year 1987 the Government sponsored a scheme to regularise the services of casual labourers who had completed 7 years of service as on 31.03.1987 only in Group 'D'/unskilled category in the scale of Rs.750/940. The applicant on 14.10.1987 submitted an application which was recommended and forwarded to the District Manager, Telecom Ghaziabad for absorption as regular mazdoor. Accordingly, his services were regularised as regular mazdoor in the scale of Rs.750/940 vide office memorandum dated 22/23.12.1988 and, therefore, his regularisation in unskilled category is in order.

In the rejoinder-affidavit filed, the material averments of the reply given to paragraph 4.16 of the counter-affidavit are these. It is reiterated that the regularisation of the applicant to unskilled labourer is wrong. He ought to have been regularised as skilled labourer in view of the decision of the Hon'ble Supreme Court which has not made any distinction between the categories so far as skilled and unskilled workers are concerned. It will be seen that the reply given is evasive. There is an implied admission that the applicant himself on 14.10.1987 made an application and on that application, a recommendation was made by the District Manager, Telecom for his absorption as regular mazdoor. We see no reason to disbelieve the averments made in paragraph 4.16 of the counter-affidavit.

This application has no merit and is dismissed but without any order as to costs.


(B.N. DHOUNDIYAL)

MEMBER (A)


(S.K. DHAON)
VICE CHAIRMAN