

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

NEW DELHI

O.A. No. 142/90
T.A. No.

199

DATE OF DECISION 10.04.1992

<u>Shri Vinod Kumar</u>	Petitioner
<u>Mrs. Rani Chhabra</u>	Advocate for the Petitioner(s)
Versus	
<u>Union of India & Others</u>	Respondent
<u>Shri A.K. Sikri</u>	Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. P.K. KARTHA, VICE CHAIRMAN(J)

The Hon'ble Mr. A.B. GORTHI, ADMINISTRATIVE MEMBER

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. Whether it needs to be circulated to other Benches of the Tribunal? *No*

JUDGMENT

(of the Bench delivered by Hon'ble Shri P.K.
Karthia, Vice Chairman(J))

The applicant, who has worked as a daily-rated mazdoor in the various units of the Department of Telecommunications since January, 1985, has prayed in this application for setting aside the impugned order of termination of his services and to direct the respondents to reinstate him in service, to confer on him temporary status and to regularise him in accordance with the scheme prepared by them pursuant to the directions given by the Supreme Court.

18

2. The application was heard on 12.08.91. On 1.10.1991, the Tribunal passed an order directing both parties to produce the documents in respect of their respective contentions. Pursuant to this, the applicant has produced the original records pertaining to his service as daily-rated mazdoor in the various offices of the respondents.

3. We have heard the learned counsel of both parties and have gone through the records of the case carefully. The records indicate that the applicant has worked as a daily-rated mazdoor since January, 1985. His services were terminated by an oral order on 3.6.1990.

4. The Supreme Court has held in the Daily Rated Casual Labour employed under the P&T Department Vs. U.O.I., AIR 1987 SC 2342 that the Government should prepare a scheme on a rational basis for absorbing the casual workers as far as possible. The scheme known as Casual Labourers (Grant of Temporary Status for Regularisation) Scheme has been formulated and put into operation from 1.10.1989. A copy of the scheme was placed for consideration of the Supreme Court in Jagrit Mazdoor Union Vs. Mahanagar Telephone Nigam Ltd., 1989(2) SCALE 1455. The Supreme Court found that the scheme was comprehensive and apart from the provisions for conferment of temporary status, it also specified the benefits available on conferment of such status. The Judgment of the Supreme Court in the case of Daily Rated Casual Labour under the P&T Department was delivered on 27.10.1987. Subsequently, a Misc. Petition was filed in the Supreme Court [CWP No.23751/88 in Writ Petition No.302/86, The National Federation and Another Vs. Union of India & Others]. The Supreme Court passed an order

2


on the MP on 26.09.88 giving extension of time to the respondents to comply with the order dated October, 1987 by six months. The Supreme Court further directed as follows:-

"In the meantime, no employee in respect of whom the order dated October, 1987 has been passed by this Court, shall be discharged from service".

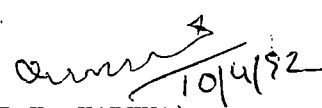
5. The applicant has given the particulars of his engagement as daily-rated mazdoor from January, 1985 till his services were terminated on 03.06.90. This has been verified by the respondents and has been found to be correct.

6. In the light of the above, the application is disposed of with the direction to the respondents to reinstate the applicant as a daily-rated mazdoor with immediate effect and in any event not later than one month from the date of communication of this order. In the facts and circumstances of the case, we do not direct payment of back wages to him. The respondents shall also confer temporary status on the applicant and give all the benefits available to such an employee as stipulated in the scheme prepared by them, mentioned above. He should also be considered for regularisation in accordance with the said scheme, if he is found eligible and suitable in all respects.

There will be no order as to costs.


(A.B. GORTHI)
MEMBER(A)
10.04.1992

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(P.K. KARTHA)
VICE CHAIRMAN(J)
10.04.1992