

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH

NEW DELHI

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O.A. No. 2594/1990

New Delhi, dated the 16th May, 1995

Hon'ble Shri S.R. Adige, Member (A)

Hon'ble Smt. Lakshmi Swaminathan, Member (J)

1. Shri Bharat Lal s/o Sh.Krishan Lal
2. Shri Mohan Gavas s/o Bable Gavas
3. Shri Indra Kumar Gupta s/o Ram Janam Gupta
4. Shri Suresh Kumar s/o Malkhan Singh
5. Shri Rajendra Kumar Saraswat s/o Manohar Lal Saraswat
6. Shri Ram Singh s/o Panna Singh
7. Shri Charan Singh s/o Panna Singh
8. Shri Harkesh Singh s/o Sanwalia
9. Shri Net Ram s/o Har Karan
10. Shri Jwala Prasad s/o Bhikari Lal
11. Shri Raj Kishan Gupta s/o Manohar Lal Gupta
12. Shri Ram Chandra Bhatt s/o Moti Ram Bhatta
13. Shri Taj Pal s/o Rirku
14. Shri Ram Sharma s/o Sh. Mahipal Sharma
15. Shri Vijaya Bahadur Singh s/o Ajaib Singh
16. Shri Raj Pal Singh s/o Shiv Lal Singh
17. Shri Om Prakash s/o Dhani Ram
18. Shri Gyan Chand s/o Mangte
19. Shri Attar Singh Yadav s/o Khajan Singh Yadav
20. Shri Ram Kumar Tyagi s/o Mukut Lal
21. Shri Rajendra Singh s/o Lila Dhar
22. Shri Megh Raj Singh s/o Nanak Singh
23. Shri Shauket Ali s/o Sh.Hamid Khan
24. Shri Nek Pal Singh s/o Karan Singh
25. Shri Brijendra Singh s/o Chhanga Ram
26. Shri Veer Pal Singh s/o Attar Singh
27. Shri Ram Kishor s/o Harish Chandra

28. Shri Mohan Singh s/o Bahadur Singh

... Applicants

(By Advocate Shri N. Amresh proxy counsel
for Shri E.X. Joseph, Senior Counsel)

Vs.

1. Union of India, through the Secretary,
Ministry of Communications,
Sanchar Bhawan, New Delhi.
2. Post and Telegraph Board,
through the Chairman of the Board,
Daktar Bhawan, Parliament Street,
Parliament Street, New Delhi.
3. The Director General, Post and Telegraph
Dak Tar Bhawan,
Parliament Street, New Delhi.
4. The Chief General Manager,
ALTTC, Ghaziabad.
5. Shri Gajendra Singh s/o Bhartu Singh
AE (Admn.) ALTTC (GBD)
6. Shri Girraj Singh s/o Mawasi Singh
AE (Admn.) ALTTC (GBD)
7. Shri Harender Singh s/o Rajpal Singh
AE (Admn.) ALTTC (GBD)
8. Shri Umesh Kumar s/o J.P.S. Verma
AE (Admn.) ALTTC (GBD)
9. Shri Ramesh Chand s/o Ram Swaroop
AE (Admn.) ALTTC (GBD)
10. Shri Prakash Singh s/o Shri Prem Singh
AE (Admn.) ALTTC (GBD)
11. Shri Prakash Chand s/o Shri Tej Ram
AE (Admn.) ALTTC (GBD)
12. Shri Naresh Pathak s/o Sh. Chandra Shekhar Pathak
AE (Admn.) ALTTC (GBD)
13. Shri Mam Chand s/o Shri Khancheru
AE (Admn.) ALTTC (GBD)
14. Shri Soban Singh s/o Gobind Singh
AO (Admn) Khursheed Lal Bhawan, New Delhi
15. Shri Ballu Singh S/o Shri Prem Raj
AE (Admn.) ALTTC (GBD)
16. Shri Raja Ram s/o Shri Surajmal
AE (Admn.) ALTTC (GBD)
17. Shri Laxman Singh s/o Shri Ant Ram
DGM(O) Khursheed Lal Bhawan, N/Delhi
18. Shri Trilok Chand s/o Shri Khan Chand
AE (Admn.) ALTTC (GBD)
19. Shri Jaipal Singh s/o Ram Chandra
AE (Admn.) ALTTC (GBD)
20. Shri Dal Chand S/o Sh. Hari Ram
AE (Admn.) ALTTC (GBD)
21. Shri Beerpal Singh s/o Shri Nathu Ram
G.M. (A&R) GMT Khursheed Lal Bhawan

22. Shri Dharambir Singh s/o Sh.Bhule Ram
AE (Admn) ALTTC (GBD)
23. Shri Jugal Kishore, AE (Admn) ALTTC (GBD)
24. Shri Shribhagwan s/o Shir Babu Singh
AE (Admn) ALTTC (GBD)
25. Shri Braham Singh s/o Devi Singh
AE (Admn) ALTTC (GBD)
26. Smt. Urmila Srivastava w/o late Sh.M.C.Srivastava
AE (Admn) ALTTC (GBD)
27. Shri Sant Raj s/o Ram Ratikh Singh
AE FRS, Delhi Gate Tele. Ex.Delhi
28. Shri Chaman Singh s/o Shri Ratan Singh
AE (Admn) ALTTC (GBD)
29. Shri Sukh Pal Singh s/o Sh.Sher Singh
AE (Admn) ALTTC (GBD)
30. Shri Brijesh Sharma s/o Sh.Sukh Ram Sharma
AE (Admn) ALTTC (GBD)
31. General Manager (Telephone)
Mahanagar Telephone Nigam Limited
Khurshid Lal Bhawan, New Delhi
32. General Manager (Maintaintence)
Northern Telecom.Regions
Kidwai Bhawan, New Delhi.
33. General Manager (Telephone)
Telecom. District Ghaziabad
Jaine Tower, Raj Nagar Distt.Centre
Ghaziabad (UP)

... Respondents.

(By Advocate Shri M.M.Sudan with Shri
V.K.Rao, counsel for the respondents)

O R D E R (ORAL)

[Hon'ble Shri S.R. Adige, Member (A)]

In this application Shri Bharat Lal
and 27 others, all initially appointed as Daily Rated
Mazdeens under the General Manager (Telephone), Ghaziabad,
for
Department of Telecommunications, have prayed / a direction
to the respondents to regularise them with effect from the
date they have completed requisite number of days i.e.
240 days, and also to declare them senior to respondents
5 to 30.

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2. Admittedly these applicants were initially appointed some time during 1978 and 1979, under the General Manager (Telephone), Ghaziabad were regularised in due course in December, 1988. Their case is that, respondents 5 to 30 were appointed after them, under the General Manager (Delhi Telephone), now Mahanagar Telephone Nigam Limited, but they have been regularised ~~u.s.f.~~ 30-4-1984.

3. We have heard Shri N. Amresh, counsel for the applicant and Shri M.M. Sudan with Shri V.K. Rao, counsel for the respondents. We have also perused the materials on record and given the prayer made by the applicant in this O.A. a careful consideration.

4. The applicants have enforceable right for regularisation on or before 30-4-1984 only when they can establish that they are seniors to respondents 5 to 30.

5. This can be established only if there is a common seniority list of Mazdoors. Applicants counsel, Shri Amresh has not produced any material before us to lead us to conclude that there is any such common seniority list. Shri Sudan, learned counsel for the respondents states that the appointment of Mazdoors is made at the General Manager (Level), which itself is a sub-circle, and a circle consisting of more than one General Manager. We have no reason to disbelieve this

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overnment made by Shri Sudan and in any case, as stated earlier that there is no evidence before us to hold that there is a common seniority list which governs both applicants as well as respondents 5 to 30.

6. In the circumstances, the prayer for granting applicants seniority with reference to respondents 5 to 30 fails.

7. In so far as the other prayers is concerned viz granting the applicants regularisation on the date they completed 240 days, we may reiterate that the regularisation is made only against the available vacancies.

8. Applicant counsel Shri Amresh has not produced any material before us to conclude that there were adequate number of vacancies on the date the applicants have completed 240 days, and in the absence of such material, this prayer cannot be acceded to.

9. In the result, the application fails and the same is dismissed. No costs.

Lakshmi Swaminathan
(Lakshmi Swaminathan)

Member (J)

S.R. Adige
(S.R. Adige)

Member (A)

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