

9

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
NEW DELHI

O.A.No.2209/1991

Date of decision:
6th October, 1993.

Pradeep Kumar Bhatia.....Petitioner.

vs.

The Director General(P&T) and ors.....Respondents.

Coram:

The Hon'ble Mr Justice S.K.Dhaon, Vice Chairman.

The Hon'ble Mr B.N.Dhondiyal, Member(A).

For the petitioner: Ms Bharti Sharma for Ms Rani
Chhabra, counsel.

For the respondents: Mr M.L.Verma, counsel.

JUDGMENT (ORAL)

(By Mr Justice S.K.Dhaon, Vice Chairman)

The averments in the Original Application are these. The petitioner was recruited as a Casual worker to carry out the duties of mail loader in April, 1987. His name was borne on the muster roll. On 1st January, 1988, he was not assigned any work without any reason. His services were terminated from the said date. He was again assigned work for 2-3 months but thereafter his services were terminated. Thereafter, he was assigned the work for several days on leave gap arrangement. In all, he completed 240 days of service between April 1987 and January, 1988.

2. The principal prayer is that the respondents be directed to re-instate the petitioner in service. At the Bar, the further submission is that the respondents may be

67

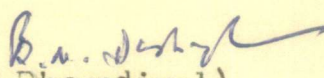
directed to regularise the services of the petitioner in accordance with the Scheme, which is known as "Casual Labourers (Grant of Temporary Status and Regularisation) scheme of the Department of Telecommunications, 1989"


2) (here-in-after ~~shortly~~ referred to as 'the Scheme').

3. A counter affidavit has been filed on behalf of the respondents. In it, it is not denied that the petitioner had completed 240 days of service between April, 1987 and January, 1988. However, it is contended that the petitioner was, in fact, not employed as Casual labourer to carry out the duty of Mail loader but was engaged as Mazdoor to load/unload the mail. The petitioner had also not been recruited through the Employment Exchange. Also, he had not been recruited in accordance with the requirements of the rules relating to age.

4. This application can be disposed of on a short ground. We have perused the Scheme. Clause 5(i) of the same postulates that temporary status would be conferred on all the casual labourers currently employed and who have rendered a continuous service of at least one year out of which they must have been engaged on work for a period of 240 days (206 days in the case of offices observing five day week). We are not satisfied on the material on record that the petitioner had rendered a continuous service of atleast one year. The petitioner has been able to establish the case that he had rendered 240 days service within one year. The petitioner, therefore, cannot get the benefit of the scheme.

5. It is the petitioner's own case that his services had been done away with way back in the year, 1990, even though till that period he had worked intermittently. The only possible relief, which can be granted, in the facts and the circumstances of the case, is to give a direction to the respondents to consider the case of the petitioner for fresh engagement as a Casual worker if and when vacancy occurs and while doing so they should give preference to the petitioner over freshers and juniors. We accordingly issue such directions.
6. With these observations, the application is disposed of.
7. There will be no order as to costs.


(B.N.Dhoundiyal)
Member(A)


(S.K.Dhaon)
Vice Chairman

6th Oct., 1993.
(SDS)