

In the Central Administrative Tribunal
Principal Bench, New Delhi

Regn. No. CA-2984/91

Date: 18.8.1993.

Shri Bal Kishan and
two others

.... Applicants

Versus

Union of India

.... Respondents

For the Applicants

.... Ms. Bharti Sharma, Proxy for
Mrs. Rani Chhabra, Advocate

For the Respondents

....

CORAM: Hon'ble Mr. J.P. Sharma, Member (Judl.)
Hon'ble Mr. S. Gurusankaran, Member (A)

1. To be referred to the Reporters or not?

Judgement (Oral)

Applicant No.1, Shri Bal Kishan was engaged as casual labour in the Department of Telecom in June, 1986. The applicants 2 and 3 were likewise recruited in July, 1986 and October, 1985, respectively. The applicants allegedly continued to work with the respondents as casual labourers for more than 240 days. The respondents issued letter dated 22.4.1987 No.270/6/89 directing the Department of Telecom to retrench all the casual workers who had been employed in the department after 31.8.1985. Aggrieved by that direction, the present application has been filed in December, 1991 claiming the relief that the aforesaid order of 22.4.1987 be quashed and the applicant,

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be taken back in service with all benefits consequential to their absorption on regular basis.

2. The notices were issued to the respondents but none appeared to contest this application. A number of opportunities have been granted even after admission of this matter.

3. We have heard the learned counsel. Prima facie, the application appears to have been hit by limitation as prescribed under Section 21 (3) of the A.T. Act, 1985. However, the learned counsel, during the course of the hearing, has produced a judgement of the Hon'ble Supreme Court in Writ Petition No. 1041/88 - Brij Kishore and Others Vs. Union of India - where the similarly situated casual labourers engaged in the Department of Telecommunications had prayed for regularisation of their services on the ground that they have put in more than one year's actual service. The Hon'ble Supreme Court, after hearing the matter, observed that since the petitioners have completed more than one year's service and they have been engaged for work for a period of 240 days in a calendar year, they are entitled to the benefit of this scheme. The scheme had already been prepared by the Department of Telecom Casual Labourers (Grant of Temporary Status and Regularisation) Scheme of the Department of Telecommunications, 1989. This judgement of the Hon'ble Supreme Court was delivered in

March, 1992. The applicants, therefore, before this decision of the Supreme Court, have assailed their grievance on the basis of the scheme of regularisation of the casual labourers of the Department of Telecommunications, referred to above.

4. In view of this fact, we do not find that the present application can be barred by limitation as regards the implementation of the scheme, but as regards the engagement, the application is patently barred by limitation unless the applicants fulfil the condition laid down in the said scheme of 1989 and the judgement of the Hon'ble Supreme Court of 1992 referred to above.

5. The learned counsel for the applicant also referred to other cases having been disposed of on the basis of the scheme of 1989 and the judgement of the Hon'ble Supreme Court referred to above. She contends that the present application be also disposed of in a similar manner.

6. In the facts and circumstances of the case and there being no contest by the respondents, the present application is also disposed of with the direction of the respondents to give the applicants the benefit of the scheme of 1989, as directed in the judgement of the Hon'ble Supreme Court in the case of Brij Kishore and Ors. decided in March, 1992. This judgement by itself will not

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give any priority in appointment to the applicants and that shall be subject to availability of the vacancy and the work and the result of the implementation of the scheme aforesaid. The respondents will also inform the applicants regarding their acquisition of temporary status within a period of three months. The interim order is made absolute. There will be no order as to costs.

Gurusankaran
18/8/93
(S. Gurusankaran)
A. M.

J. P. Sharma
18/8/93
(J. P. Sharma)
J. M.