

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

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Regn. No. OA 1250/1992

Date of decision: 23.07.1993

Shri Gowri Shankar & Another

...Petitioners

Versus

Union of India & Others

...Respondents

For the Petitioners

...Ms. Bharti Sharma, Counsel for
Mrs. Rani Chhabra, Counsel

For the Respondents

...Shri P.P. Khurana, Counsel

CORAM:

THE HON'BLE MR. JUSTICE S.K. DHAON, VICE CHAIRMAN
THE HON'BLE MR. B.N. DHOUDIYAL, ADMINISTRATIVE MEMBER

1. To be referred to the Reporters or not?

JUDGMENT (ORAL)
(of the Bench delivered by Hon'ble Mr.
Justice S.K. Dhaon, Vice-Chairman)

Two prayers have been made in this application. They are:-

- (1) The Circular dated 22.04.1987 may be quashed.
- (2) The respondents may be directed to assign work to the applicants with immediate effect and absorb them permanently in the Department.

2. A counter-affidavit has been filed on behalf of the respondents.

3. The applicant No.1 has asserted in paragraph A.3 that he had worked for over 295 days as a casual labourer. In support of this allegation, paper No.P-1 has been filed with the application. In the reply it is stated that the copy of P-1 has not been supplied to the respondents. There is no averment denying the fact as alleged in the application that the applicant had worked for 295 days. The respondents could have verified the actual number of days from

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their own records and calculated the number of days. They having not done so, it is presumed that the assertion made by the applicant is correct.

4. So far as applicant No.2 is concerned, it is admitted in the counter-affidavit that he worked for 203 days in all during the years 1986, 1986-87 and 1987-88.

5. We take judicial note of the fact that the Supreme Court had struck down the impugned circular. We also take judicial note of the fact that the Telecom Department has drawn up a comprehensive scheme for the purpose of regularising the services of the casual labourers. This has been done in accordance with the directions of the Supreme Court.

6. The authority concerned shall record the finding on the question whether applicant No.1 has worked for 295 days. They shall also determine the number of days during which the applicant No.1 performed the duties of a casual labourer. Thereafter, it shall examine the cases of the applicants in accordance with the scheme. If it comes to the conclusion that either both of the applicants or one of them are not eligible to the benefit of the scheme, it

shall record reasons. It shall pass orders within a period of three months from the date of the receipt of these orders.

7. With these directions, this application is disposed of finally but without any order as to costs.

B.N. DHOUDIYAL

(B.N. DHOUDIYAL)
MEMBER (A)
23.07.1993

S.K.D

(S.K. DHAON)
VICE CHAIRMAN
23.07.1993

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