

CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH
NEW DELHI. O.A.No.1376 of 1992
New Delhi, this the 4th day of February, 1994.

Hon'ble Mr Justice S.K.Dhaon, Vice Chairman
Hon'ble Mr B.N.Dhondiyal, Member(A).

Shri Brindavan
S/O Shri Ram Milan Baraee
1/86, Kalyan Puri,
Delhi. Petitioner.

(through Ms Bharti Sharma, Advocate)

vs.

1. Union of India,
through its Secretary,
Ministry of Communication,
Department of Telecommunication,
Sanchar Bhawan, New Delhi.
2. Assistant Engineer Telegraphs,
Coaxial Equipment Installation,
36, Janpath, Kidwai Bhawan,
New Delhi. Respondents.

(none appeared for the respondents).

ORDER (oral)

PER S.K.DHAON, VICE CHAIRMAN

The record shows that respondents No.1 and 2 have been duly served. The respondent No.1 was served on 3.6.1992 and respondent No.2 on 4.6.1992. The Deputy Registrar has given a report that despite service, the respondents have failed to put in appearance. In the absence of respondents No.1 and 2 and in the absence of any counsel on their behalf, we have to proceed on the assumption that the averments made in the O.A. are correct.

2. The material averments are these. The applicant was recruited as a casual labourer in the respondent-department in January, 1987 and he was assigned work under the 2nd respondent. His name was also on the muster-roll maintained by the respondents, which shows that applicant was regularly working there till October, 1987. He

was sent on deputation to TCIL to carry out the same kind of work, which was being done by him with the respondent department. He was sent to Saudi Arabia, where he worked under the TCIL till January, 1992. He was repatriated vide letter dated 1.5.1992 issued by the General Manager, TCIL. The aforesaid letter clearly indicates that he worked in Saudi Arabia from 1.11.1987 to 26.1.1992. He is working in the respondents-department and he apprehends that his services may be terminated at any time. The respondents have under the directions of the Supreme Court and this Tribunal ~~have~~ prepared a Scheme, known as, "Casual Labourers (Grant of Temporary Status and Regularisation) Scheme of the Department of Telecommunications, 1989". Under the said Scheme, the petitioner's case for regularisation of his services is to be considered.

3. A somewhat similar controversy came up before us in O.A.No.1783 of 1992, decided on 16.8.1993. We took the view in that case that the employees had been sent on deputation to Saudi Arabia under TCIL. In this case too, we have no option but to accept the case of the petitioner that he was sent on deputation to Saudi Arabia under the TCIL. In that case, we held that the petitioner should be deemed to be on deputation with the TCIL and, therefore, he should be deemed to be in the service of telecommunication department all along. We also held that the applicant was entitled to the benefit of the scheme, aforementioned.

4. ^{the parity} On a ~~variety~~ of the reasoning, given by us in the aforesaid decision, we hold that the applicant continues in the telecommunication department and he was sent on deputation by the department to TCIL. We also hold that the terms of the aforesaid scheme are applicable to the applicant and his case should be

84

considered for regularisation in accordance with the scheme. The authority concerned shall apply its mind to the case of the petitioner and pass necessary orders, as expeditiously as possible but not beyond a period of four months from the date of presentation of a ^{certified} copy of this order by the petitioner before it.

5. With these directions, this O.A. is disposed of but without any order as to costs.

B.N. Dhourdiyal
(B.N.Dhourdiyal)
Member(A).

S.K. Dhaon
(S.K.Dhaon)
Vice Chairman

/sds/