

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH, NEW DELHI

D.A.No.1615/1992

(10)

New Delhi, This the 25th Day of October 1994

Hon'ble Shri Justice S.C.Mathur, Chairman

Hon'ble Shri P.T.Thiruvengadam, Member(A)

1. Hari Ram  
s/o Shri Amar Lal  
R/o House No.713  
Ward No.44,  
Jawahar Nagar, Palwal  
Dist. Faridabad
2. Ram Kewal  
s/o Ram Kumar Gupta  
R/o T.41 Atul Gove Lane  
New Delhi - 110001. ....Applicants

By Mrs Rani Chhabra, Advocate with  
Ms Bharathi Sharma, Advocate

Versus

1. Union of India  
through its Secretary  
Ministry of Communication,  
Sanchar Bhawan  
New Delhi.
2. General Manager  
Maintenance  
New Delhi
3. Asst. Engineer Carrier,  
Kidwai Bhawan  
New Delhi. ....Respondents

By None

O R D E R (Oral)

Hon'ble Shri Justice S.C.Mathur, Chairman

1. On behalf of Shri P.H.Ramachandani it has been stated that he has no instructions from the department to appear in the case. Record indicates that Mr.P.P.Khurana was appearing for the Government and the counter affidavit was also filed through him. It is also mentioned that Shri P.P.Khurana is no longer on the panel of Government counsels. Since no one has appeared to represent the respondents we proceed to decide the case on the basis of the material available on record.

2. The applicants are aggrieved by their disengagement with effect from 2.7.92. (11)

Applicant No.1 Shri Hari Ram had been engaged as casual labourer in April 1986 and Applicant No.2 Shri Ram Kewal had been engaged in Nov 1985. On 2.6.92 notices were issued to the applicants informing them that they will not be engaged with effect from 2.7.92. These notices have been challenged in the present application.

3. It appears from the counter affidavit that the only reason for dis-engagement of the applicants was that they were appointed after 30.3.1985. This cut off date for absorption had been fixed in a guide line issued by the Government prior to the promulgation of the Casual Labourers(Grant of Temporary Status and regularisation) Scheme of the Department of Telecommunications, 1989. This scheme has been formulated in pursuance of the judgement of Their Lordships of Hon'ble Supreme Court in Daily Wages Casual Labourers employed in the P & T Department Vs. Union of India & Ors 1988(1) SCC 122. After the judgement of Their Lordships and formulation of the Scheme the cut off date of 30.3.1985 has lost importance. The applicants case is now to be considered with reference to the scheme formulated and in pursuance of the judgement of the Hon'ble Supreme Court. Since it is not the case of the respondents that the applicants are not entitled to continue in service even under the scheme of 1989, dis-engagement notices are liable to be quashed.

(12)

4. In view of the above, the original application is allowed and the dis-engagement notices dated 2.6.92 are hereby quashed. The applicants shall be given temporary status with effect from 1.10.89. Thereafter the competent authority shall consider grant of other benefits under the scheme to the applicants. Consideration shall be done within a period of 3 months from the date of communication of this order. After filing counter, no one appeared to assist the Tribunal on behalf of the respondents. There shall be no order as to costs.

P. T. Thiruvengadam

(P.T. THIRUVENGADAM)  
Member(A)  
25-10-94

S. C. Mathur

(S.C. MATHUR)  
Chairman  
25-10-94

LCP