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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

OA No.29/1992

New Delhi, this 7th day of February, 1996

Hon'ble Justice B.C. Saksena, VC
Hon'ble Shri R.K. Ahooja, Member(A)

Shri Moti Lal Yadav
s/o Shri Ram Subagh
M-97, Saket, New Delhi-17 .. Applicant

(By Shri K.N.R.Pillay, Advocate)

Vs.

Secretary
Deptt. of Telecommunications
Sanchar Bhawan, New Delhi .. Respondent

ORDER (oral)

Justice Shri B.C. Saksena

We have heard the learned counsel for the applicant. Despite several opportunities having been granted to the respondents, no counter reply has been filed. Thus they have forfeited their right to file reply. We have therefore decided to proceed with the case with the material on record.

2. The brief facts are that the applicant was working as casual labour in the Telephone Department and his services were terminated with effect from 14.3.83. Aggrieved by this, he filed a suit in the Court of Senior Sub-Judge, Delhi, which was transferred to this Tribunal and was registered as TA 103/86. That TA was disposed of on 3.8.89 holding that 'the termination of service of the applicant was ab initio void and inoperative and a declaration is made that he continued to be in service with all consequential benefits, namely back wages in full and other benefits, if any.'

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3. During the pendency of the said TA, it appears that the respondents had considered the candidature of the ~~applicant~~ ^{Bel} ~~for the~~ daily rated Mazdoor (Group D). The applicant has enclosed a copy of the order dated 1.11.88 at Annexure A-VI. A perusal of the same shows that the applicant's candidature has not been considered by the DPC at that time.

3. The applicant thereafter appears to have made a representation on 29.11.90 for his being considered for appointment as regular Mazdoor. In reply thereto by Annexure A-I letter the applicant was informed that regarding regularisation, there is no such order from the Central Administrative Tribunal, so he can not be regularised. The ld. counsel submitted that at the time the TA was filed, the applicant was aggrieved by the order of termination of his services. It was only after the decision that he could have claimed his regularisation. His further submission is that the order of rejection of his regularisation is arbitrary. ^{We find force in the submission. Bel}

4. The respondents are directed to reconsider the candidature of the applicant for appointment ^{as} of regular Mazdoor (Group D) on the basis of the total number of working days from the initial date of recruitment, as the decision in the TA cited provides that 'he continued to be in service with all consequential benefits...'. The respondents may hold DPC for this purpose within 3 months from the date a copy of this order is furnished to them by the applicant.

5. The OA is allowed and disposed of with the above observation. No costs.

R. K. Ahuja
(R. K. Ahuja)
Member (A)
7.2.96

B. C. Saksena
(B. C. Saksena)
Vice-Chairman
7.2.96

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