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In the Central Administrative Tribunal
Principal Bench, New Delhi

Regn. No. OA-3230/92

Date: 27.8.93

Shri Hoshiar Singh and Applicant
three others

Versus

Union of India Respondents

For the Applicants Ms. Bharti Sharma, Proxy for
Mrs. Rani Chhabra, Counsel

For the Respondents Shri P.P. Khurana, Counsel

CORAM: Hon'ble Mr. J.P. Sharma, Member (Judl.)
Hon'ble Mr. B.K. Singh, Member (A)

1. To be referred to the Reporters or not?

(Judgement of the Bench delivered by Hon'ble
Mr. J.P. Sharma, Member)

The applicants are casual labourers and applicant No.1 was engaged as a daily-rated Mazdoor in August, 1986, ~~whereas~~ the other two applicant Nos.2 and 3 were engaged in October, 1987, and applicant No.4 in June, 1987. Their names were also on the muster rolls maintained by the respondents. Applicant No.1 was disengaged in February, 1989 and applicant Nos.2-4 were disengaged in September, 1988. In this joint application, the applicants have prayed for the grant of the relief that they may be taken back on work immediately and the retrenchment orders be quashed.


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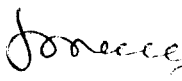
2. A notice was issued to the respondents, but they did not file any reply. We have heard the learned counsel and for the applicant, Shri P.P. Khurana, learned counsel for the respondents. The learned counsel for the respondents took preliminary objection of limitation that the applicants were disengaged in 1988/89 and the present application had been filed in December, 1982, which is barred by limitation. The learned counsel for the applicant, however, referred to the scheme drawn by the respondents themselves on 1.10.1989 which is on the subject of grant of temporary status and regularisation scheme coming into force w.e.f. 1.10.1989. This scheme lays down that the vacancies in Group 'D' cadres in various offices of the Department of Telecom could be exclusively filled from the casual labourers till the absorption of all existing casual labourers fulfilling the eligibility conditions, including the educational qualifications prescribed in the relevant recruitment rules. These casual labourers will be conferred a temporary status as per the guidelines in para.5 of the scheme. The said scheme is at Annexure A-3 to the application. There is a judgement of the Hon'ble Supreme Court also in Writ Petition No.1246/1248/88 and 176 and 177/89 decided on April 17, 1990 and another judgement of the Hon'ble Supreme Court in writ petition No.1041/88 - Brij Kishore and Others Vs. Union of India

decided on March 6, 1992. In the judgement of 1990, the Hon'ble Supreme Court ordered that respondents shall prepare a scheme on a rational basis for absorbing, as far as practicable, the casual labourers who continuously worked for more than one year in the Telecom Department. In the judgement delivered by the Hon'ble Supreme Court on March 6, 1992, it was directed that the petitioners of that case be given the benefit of that scheme. The issue in that case, i.e., Writ Petition No.1041/88 before the Supreme Court was that casual labourers who were engaged after March 13, 1985, cannot be absorbed and their services have to be discontinued. The Hon'ble Supreme Court directed that the petitioners of that writ petition, i.e., Brij Kishore and others, be also given the same benefit. In view of the above facts and circumstances, the point of limitation does not hit the case of the applicants so far as their consideration for the benefit of the scheme of 1989 (supra.) is concerned. However, for their immediate engagement, they cannot claim after a gap of more than three years.

3. The learned counsel for the applicant has filed a decision of the Principal Bench in a bunch of OAs, leading case No.2432/90 decided on 21.4.1993, where the respondents were directed to give the benefit of this scheme to the petitioners of those OAs.

4. This application, therefore, is disposed of in a similar manner with the direction that the respondents shall apply the aforesaid scheme (1989 Scheme) to the cases of the applicants and give them the necessary relief in accordance with this Scheme. If the concerned authority comes to the conclusion that any of the applicants cannot be given the benefit of this scheme, it shall pass an order to that effect and communicate the same to the concerned applicant. The respondents, in case the applicants are considered for giving temporary status, the same will also be communicated to them. The application is disposed of accordingly. There will be no costs.


(B.K. Singh)
Member (A)


(J.P. Sharma)
Member (Judl.)

27/8/23