

(13)

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.623/92

NEW DELHI THIS THE 28TH DAY OF APRIL, 1994.

MR. JUSTICE S.K.DHAON, VICE-CHAIRMAN(J)
MR.B.K.SINGH, MEMBER(A)

1. Kumari Manju
D/o late Shri Ram Kishore
R/o Srinagar, Alambagh
Lucknow

2. Pradeep Kumar Tiwari
S/o Sh. Asarafi Lal Tiwari
R/o Village Rani Khera
P.O. Kashipur Baheriya
Dist. Hardoi
U.P.

..... APPLICANTS

BY ADVOCATE MRS. RANI CHHABRA.

Vs.

1. Union of India through
its Secretary
Ministry of Communications
Department of Telecommunication
Sanchar Bhavan
New Delhi.
2. General Manager Telecom Project
North Zone
1/67, Wazir Hasan Road
Lucknow
3. Divisional Engineer Telecom Projects
B-13, Chandra Niwas
Kapoorthala Bagh
Aliganj, Lucknow
4. Assistant Engineer
Telecom Projects
Lucknow
5. Director Telecom Project (N/Z)
Sonekpur, Kauth Road
Moradabad

..... RESPONDENTS

ORDER(ORAL)

JUSTICE S.K.DHAON

The reliefs, as material in this OA, are these:

- (1) Pursuant to the Casual Labourers (Grant of Temporary Status and Regularisation) Scheme, the respondents may be directed to confer temporary status upon the applicants and grant all the benefits accruing thereof.
 - (2) Direct the respondents to absorb the applicants permanently as per the directions of the Supreme Court.
 - (3) Direct the respondents not to retrench the applicants who have worked in the department for more than 4 years.
- Sd/-

- (4) Direct the respondents to grant all the benefits enjoyed by similarly placed workers like HRA, CCA to the applicants.

2. The material averments in the OA are these. Applicant No.1 was recruited as a Daily Rated Typist in the Department of Telecom in January, 1988. She continued to work in that capacity till October, 1988. In October, 1988, she entered into a work contract for one year. Upon the expiry of the period of one year, the said contract was not renewed. However, she was allowed to work and she has been continuously working since then.

3. Applicant No.2 was employed as a Chowkidar in January, 1988. He worked in that capacity till November, 1988. In November, 1988, the respondents entered into a typing contract with him for one year. After the expiry of the period of one year, he had been continuously working in the department as a Typist.

4. Annexure 'P-1' to the OA shows that from January, 1988 to May, 1991, Kumari Manju (applicant No.1) worked in the Telecom Department for certain number of days under different officers.

5. Annexure 'P-2' to the OA purports to be wages paid for typing work from 1.6.1989 to 30.6.1989. In this document, it is to be noted, ^{not shown that} it is/wages were paid to either of the two applicants.

6. Annexure 'P-3' to the OA is a certificate of some officer stating therein that Sh. Pradeep Kumar Tiwari (applicant No.2) had worked as a casual labourer in the office of D.E.T.P. (OFC) under T.P. Nagar Store Lucknow during the years 1988 and 1989.

7. Then, we have a certificate issued by the Engineering Officer, Telecom Project, Lucknow on

84

3.10.91 stating therein that applicant No.2 had been working in that office since December,1989 as a Typist.

8. The aforesaid Scheme has no application to the case of a Typist . It is applicable only to casual labourers .

9. The learned counsel for the applicants has vehemently urged that even though the applicants were engaged initially as casual workers, they, in fact, were called upon to perform the job of of a Typist and, therefore, they rendered service to the respondents as Typists during all these years. Assuming this argument to be correct, we have already indicated that the applicants are not entitled to the benefit of the aforesaid scheme. No rule has been shown to us with respect to the regularisation of a Typist.

10. It goes without saying that if the authority concerned is satisfied that the applicants had been serving them as Typists during all these years, they shall consider their cases for regularisation as Typist in accordance with the relevant rules.

11. With these observations, this OA is disposed of finally but without any order as to costs.


(B.K. SINGH)
MEMBER(A)


(S.K. DHAON)
VICE-CHAIRMAN(J)

SNS