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CENTRAL ADMINISTRATIVE TRIBUNAL, PRINCIPAL BENCH

O.A. 624 of 1992

New Delhi this the 27th day of April, 1994

Mr. Justice S.K. Dhaon, Vice-Chairman
Mr. B.K. Singh, Member(A)

Shri Amar Singh
R/o Village Tundwin
P.O. Tantha Via Harlog
District Bilaspur (H.P.)-174003.

...Applicant

By Advocate Mrs. Rani Chhabra

Versus

1. Union of India
through Secretary,
Min. of Communication,
Department of Telecommunication,
Sanchar Bhawan,
New Delhi.
2. Secretary Telecom,
Department of Telecommunication,
Sanchar Bhawan,
New Delhi.
3. Director Telecom Project,
Sanjay Sadan,
Near H.P. Secretariat(Simla).
4. Divisional Engineer,
Telcom Project,
Sanjay Sadan,
Near H.P. Secretariat,
Simla.

...Respondents

None for the respondents

ORDER (ORAL)

Mr. Justice S.K. Dhaon, Vice-Chairman

In this O.A. no counter-affidavit has been filed. In the absence of any counter-affidavit, we have no option but to proceed on the assumption that the averments made in the O.A. are correct.

2. The material averments are these. On 16.07.90, the applicant was recruited as a daily wages motor driver in the Department of Telecom. Since his recruitment, he had been working regularly and has completed one year of regular work. He apprehends that his service may be terminated any day without notice in pursuance of a policy decision.

3. Many reliefs are claimed. They are:-

(i) The circular dated 22.04.87 may be quashed.

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(ii) The respondents may be directed to absorb the applicant permanently in the Department.

(iii) The respondents may be restrained from retrenching the applicant from service.

(iv) The respondents may be directed to grant to the applicant all benefits enjoyed by similiary placed workers like HRA, CCA etc.

4. This O.A. was presented in this Tribunal on 09.03.92. On 10.03.92, an interim order was passed directing the respondents to maintain the status quo as regards continuance of the applicant as a casual driver. The said order continues to operate even now.

5. Obviously, no order terminating the services of the applicant or retrenching him from service had been passed when he came to this Tribunal. Presumably on ^{account} ~~the~~ ~~basis~~ of the interim order passed, no such order ^{could} ~~can~~ be passed during the pendency of this O.A.

6. We are informed at the Bar that circular dated 22.04.87 has been struck down by the Supreme Court. Keeping in view the fact that the circular has been struck down and the fact that the applicant has been working all these years, the respondents shall now take steps to regualrise his services. If, however, the respondents decide not to regularise the services of the applicant, they shall do so in accordance with law and in accordance with the directions given by the Supreme Court.

7. With these directions, this application is disposed of finally but without any order as to costs.


(B.K. SINGH)
MEMBER (A)


(S.K. DHAON)
VICE CHAIRMAN

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