

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

(11)

Regn.No. OA 1375/1993

Date of decision: 22.10.1993

Shri Pritam Singh & Others

...Petitioners

Versus

Union of India & Another

...Respondents

For the Petitioners ...Shri Ashish Kalia, Counsel for the petitioners.

For the Respondents Shri P.P. Khurana, Counsel

CORAM:

THE HON'BLE MR. JUSTICE S.K. DHAON, VICE CHAIRMAN
THE HON'BLE MR. B.N. DHOUNDIYAL, ADMINISTRATIVE MEMBER

JUDGMENT

(of the Bench delivered by Hon'ble Mr.
Justice S.K. Dhaon, Vice-Chairman)

These are 19 petitioners who allege themselves to be casual workers in the office of the Telecom Divisional Engineer, Moradabad. They allege that their services have been terminated with effect from 30.06.1992. They have come to this Tribunal with the principal prayer that the respondents be directed to regularise their services.

2. In OA 395/1993 two of the petitioners, namely, S/Shri Suresh Singh and Har Pal Singh are cited as applicants along with two others. In the said O.A., the relief claimed is similar to the one claimed in this O.A. The petitioners S/Shri Suresh Singh and Har Pal Singh (petitioners No. 16 and 19 in OA 1375/93) cannot be allowed to prosecute this O.A. Therefore, this application in so far as they are concerned, shall stand dismissed. However, we make it clear that it will be open to the said petitioners to continue prosecuting O.A. 395/1993.

3. On 02.07.1993 notices were issued to the respondents and the matter was directed to be listed on 25.08.93. On 20.07.93 Shri Khurana represented all the respondents and prayed for and was granted 4 weeks time to file a reply. On 08.09.93 2 weeks and no more were allowed to the respondents to file a counter-affidavit. On 27.09.93

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Counsel for the respondents stated at the Bar that the counter-affidavit was under preparation. He prayed for and was granted one week to file the same. Today, i.e, 18.10.93 Shri Khurana has stated that he does not propose to file any counter-affidavit and the matter be heard and disposed of. In the absence of any counter-affidavit, the averments made in the O.A. have got to be accepted as correct.

4. The material averments are these. The petitioners are daily rated casual labour on muster roll and on ACG 17 (for which no certificate was issued) with their date of appointment. The petitioners were appointed between 1975 and 1984 and the services of all of them were terminated on 30.06.1992. They have rendered more than 240 days of prescribed service and have been thereafter engaged as daily rated casual labour under muster roll and Scheme ACG.17, where under labour is paid but no certification is granted.

5. We take judicial notice of the fact that the Telecom Department has prepared a comprehensive scheme for the purpose of considering the cases of casual labourers for regularisation. This scheme came into force with effect from 1.1.1989. The first condition for the application of the term of scheme is that the casual labour concerned must be "currently" employed. The petitioners have, on the material on record, which has remained uncontroverted, established that they were so employed on the relevant date.

6. In support of their version that they had put in 240 days of service in a particular year, they have filed certain extracts of the labour cards. We have perused the same and it is difficult for us to come to a definite conclusion that the petitioners have really put in 240 days in a particular year. The authority concerned shall examine the respective cases of the petitioners except (S/Shri Suresh Singh and Har Pal Singh) in the light of the terms of the scheme. If it comes to the conclusion that all or any one of the petitioners are not entitled to the benefit of the scheme, it shall give reasons.

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

B.N. Dhaon
(B.N. DHAON)
MEMBER (A)
22.10.1993

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(S.K. DHAON)
VICE CHAIRMAN
22.10.1993