

CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.1778/93

NEW DELHI THIS THE 25TH DAY OF APRIL, 1994

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

1. Shri Prem Singh
S/o Shri Kamal Singh
R/o Shop No.10 Shopping Complex
Lodi Road
New Delhi

2. Shri Gyan Singh
S/o Shri Revati Lal
R/o 1908, Lodi Road Complex
New Delhi.

..... APPLICANTS

NONE FOR THE APPLICANT

Vs.

1. Union of India
through Secretary
Ministry of Communication
Department of Telecommunication
Sanchar Bhawan, New Delhi.

2. Assistant Railway Telecom
Railway Electrification Project
Betul(M.P.)

3. Assistant Engineer
Railway Electrification Project
Itarsi(M.P.)

..... RESPONDENTS

SHRI J.C.MADAN, PROXY COUNSEL
FOR SENIOR ADVOCATE SHRI P.H.RAMCHANDANI.

ORDER(ORAL)

JUSTICE S.K.DHAON:

These are two applicants before us. They have prayed that it may be declared that their services have been wrongfully terminated and, therefore, the respondents may be directed to take them back in work immediately and thereafter confer upon them, temporary status under the Casual Labourers (Grant of Temporary Status and Regularisation) Scheme, 1989, as applicable to the Department of Telecommunication. Other consequential reliefs too have been claimed.

2. A counter-affidavit has been filed on behalf of the respondents. No rejoinder-affidavit has been filed.

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3. The material averments in the OA are these. Applicant No.1 was sponsored by the Employment Exchange as a casual labourer on 1.8.1986. He continued to work continuously till September, 1986. There was a break. He was assigned work from February 1988 to August, 1988. Thereafter, his services were terminated under oral orders. Applicant No.2 was sponsored by the Employment Exchange on 13.10.1986 and was recruited as a casual labourer in October, 1986. He was assigned work. He worked during October 1986 to July 1987 and thereafter from January, 1988 till August, 1990. Thereafter, his services were terminated arbitrarily in accordance with the alleged Policy decision dated 22.4.1987.

4. In the counter-affidavit filed, the material averments are these. Applicant No.1 left work on his own volition. Applicant No.2 was retrenched on 15.11.1990 after observing the prescribed formalities as per Industrial Disputes Act, 1947.

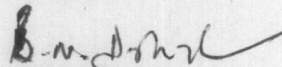
5. The Casual Labourers(Grant of Temporary Status and Regularisation) Scheme, 1989(hereinafter referred to as the Scheme) came into force with effect from 1.10.1989 onwards. So far as temporary status is concerned, paragraph 5(i) of the Scheme categorically states that temporary status would be conferred on all the casual labourers currently employed and who have rendered a continuous service of at least one year. Applicant No.1's own case is that


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he was not employed on 1.10.1989; his services having been terminated sometimes in 1988. According to respondents' own case, the Scheme was applicable to applicant No.2. However, para 8 of the Scheme states that despite conferment of temporary status, the services of a casual labourer may be dispensed with in accordance with the relevant provisions of the Industrial Disputes Act, 1947 on the ground of non-availability of work.

6. We have already indicated that in the counter-affidavit, there is a definite averment that the services of applicant No.2 had been retrenched in conformity with the provisions of the Industrial Disputes Act, 1947. In the absence of a rejoinder-affidavit, this averment is accepted to be correct. We, therefore, record a finding that the respondents committed no illegality in dispensing with the services of the applicant No.2.

7. These applicants are not entitled to any relief. This OA is dismissed, but without any order as to costs.


(B.N.DHOUNDIYAL)
MEMBER(A)


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

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