

CENTRAL ADMINISTRATIVE TRIBUNAL  
PRINCIPAL BENCH  
NEW DELHI

O.A.No.1779/93

NEW DELHI, this the 10th day of January, 1994.

HON'BLE MR JUSTICE S.K.DHAON, VICE CHAIRMAN  
HON'BLE MR B.K.SINGH, MEMBER(A)

Shri Nath  
S/O Shri Raja Ram,  
r/o 208, Lodi Road Complex,  
New Delhi.  
(Ms Rani Chhabra, Advocate) ... Applicant.  
Versus

1. Union of India,  
through its Secretary,  
Ministry of Communication,  
Department of Telecommunication,  
Sanchar Bhawan,  
New Delhi.
2. Deputy General Manager(T)  
Telephone Exchange,  
Raj Nagar,  
Ghaziabad(UP)
3. Divisional Engineer Telecom,  
Telephone Exchange,  
Raj Nagar,  
Ghaziabad(UP)
4. Assistant Engineer Phones(Cables)  
Ghaziabad. .. Respondents.  
(through Mr P.P.Khurana, Advocate).

O R D E R (oral)

The principal relief claimed is that the respondents may be directed to consider the case of the petitioner for being given a temporary status under the Casual Labourer (Grant of Temporary Status and Regularisation) Scheme, 1989.

2. Affidavits have been exchanged between the parties. The O.A. has not been admitted so far. However, it is ripe for hearing, therefore, we are disposing <sup>it</sup> of finally after hearing the learned counsel for the parties.

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3. The undisputed facts are these. The petitioner was recruited by the respondents in the department of Telecommunication in August 1989 and was assigned work under respondent No.4. Since August, 1986 he worked regularly till November, 1992 without any break and his name was also on the muster roll maintained by the respondents.

4. In the reply, it is stated that the services of the petitioner were terminated on account of lack of work. It is not the case of the respondents that the petitioner was retrenched from service after complying with the provisions of Section 25-F of the Industrial Disputes Act.

5. On the face of it, the petitioner fulfils the requirement of the aforesaid Scheme which provides that the services of a casual labourer may be dispensed with in accordance with the relevant provisions of the Industrial Disputes Act, 1947. As already indicated, Section 25-F of the Industrial Disputes Act was not complied with and as such, the action of the respondents in terminating the services of the petitioner was void. Therefore, in the eye of law, the petitioner continues to be a Casual Labourer employed with the respondents. We have already stated that the petitioner fulfils the requirement of the provisions of the Scheme, therefore, the relevant authority shall pass necessary orders conferring temporary status upon the petitioner.

6. A Preliminary objection has been taken on behalf of the respondents that this Tribunal has no jurisdiction to try this petition. The petitioner has stated that he is residing

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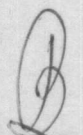
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
in Delhi. His averment has been verified. In the counter affidavit filed, it is stated that the applicant is not a resident of Delhi and has given a fictitious address.

7. Admittedly, the petitioner is a casual worker and admittedly he was employed in Ghaziabad with the respondents. Judicial notice can be taken of the fact that Ghaziabad is just across the river Yamuna, at a distance of about 12 miles from Delhi. We see no reason to disbelieve the petitioner that he is now resident of Delhi. We, therefore, take the view that the Principal Bench has the jurisdiction to entertain this application.

8. This petition succeeds and is allowed. The respondents shall pass appropriate order for regularisation of the services of the petitioner. We are not inclined to grant any back wages to him. However, we direct the respondents to re-engage him. The order of re-engagement shall be passed within a period of one month from the date of the presentation of a certified copy of this order to the relevant authority. The order of regularisation of services shall be passed within a period of three months thereafter.

9. There will be no order as to costs.

  
( B.K. Singh )  
Member(A).

  
( S.K. Dhaon )  
Vice Chairman