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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

O.A.1964/93
MP 2856,2857/93

New Delhi this the 10th day of December, 1993.

Hon'ble Shri J.P. Sharma, Member (J)
Hon'ble Shri B.K. Singh, Member (A)

1. Shri Chandrapal,
S/o Shri Satan
R/o 1228, Babu Park,
Kotla Mubarakpur,
New Delhi.
2. Shri Ramkhelawar,
S/o Shri Jagganath,
r/o 1228, Babu Park,
Kotla Mubarakpur,
New Delhi.
3. Shri Rasipal,
S/o Prabhu
R/o 1228, Babu Park,
Kotla Mubarakpur,
New Delhi.

..... Applicant

(Advocate Ms Bharti Sharma, Proxy Counsel for
Mrs Rani Chabra)

Versus

Union of India, through

1. Secretary,
Ministry of Communication,
Department of Telecommunication,
Sanchar Bhavan, New Delhi.
2. Asstt. Engineer Telegraphs,
Coaxical Cable Construction
Ludhiana.
3. Assistant Engineer,
Coaxical Cable Construction
285, Master Tara Singh Nagar,
Jalandhar.
4. Assistant Engineer Telegraphs
Microwave Project,
Ambala Cantt.

... Respondents

(Advocate :None for the respondents)

ORDER (ORAL)

The applicants were engaged as Casual Labourers
in the department of Tele-communication. The applicant
No.1 was recruited as a Casual labour from January 1985
in the department of Telecommunication under Respondent

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No.2. Applicant No.2 from May,1985 with the same organisation at Jullander. The applicant No.3 since October, 1983 with the Micro Wave Project at Ambala Cantt. They were ceased from engaged^{ment} w.e.f. October, 1988, May 1988 and November, 1988 respectively. The case of the applicants is that they have worked for 240 days and deserve to be regularised according to the scheme evolved by the respondents department effective from 1.10.1989.

2. The relief claimed by the applicants is that their Order of retrenchment be quashed and the applicants be taken back on duty and be absorbed permanently in the Department as per direction of the Hon'ble Supreme Court. A notice was given to the respondents but none appeared for the respondents.

3. The present application has been filed by the applicants in September, 1993. According to their version, they have been disengaged from service by the respondent. The Applicant No.1 & 2 in May, 1988 and Applicant No.3 in November, 1984. Regarding Applicant No.3, it is further stated that he was again brought on muster roll from January, 1985. A application for condonation of delay has been preferred contending that the applicants are illiterate and not conversent with the legal rights. Since there is none to oppose the application, we condone delay, in filing this application and M.P.2856/93 is allowed after considering the affidavit filed by Applicant No.1 Shri Chander Pal.

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4. The learned counsel for the applicant prayed for the grant of relief that the applicants be engaged as and when there is work available with the respondents. The present application is, therefore, confined only to this relief.

5. We have also gone through the scheme, the Casual Labourers (grant of temporary status and regularisation) Scheme, which is stated to come in force with effect from 1.10.1989. (Annexure A.14). A perusal of the scheme shows that it applies only to those casual labours who are currently ^{employed} ~~applied~~ and who have rendered a continuous service for at least 1 year, performing at least 240 days/206 days of work in that year. Obviously, the applicants were not in employment on 01.10.1989 and they are not obviously covered by this scheme. We have also gone through the decision of the Hon'ble Supreme Court in the case of P & T Employees Vs Union of India reported in SCC 1988 P-121. The direction given by the Hon'ble Supreme Court is for engagement of such casual labours after drawing regular scheme.

6. The first ^{issue} ~~version~~ that arose in the case whether the Principal Bench has jurisdiction or not. However, since the applicants have made averment that they are residing at Delhi, so when there is rebuttal of this fact, the application is maintainable in the Principal Bench.


7. Regarding the relief prayed for, for absorbing the applicants, that is not covered by the scheme of 1989 referred to above and obviously the learned counsel for the applicant only prayed for a short relief i.e.

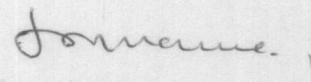
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whenever there is work available for casual labours with the respondents, they should be given work along with other casual labourers.

8. In view of above facts, the application is disposed of in the manner when there is work available for casual labours, the respondents will consider their case along with other casual labours. No costs.


(B.K. Singh)
Member (A)


(J.P. Sharma)
Member (J)

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