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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH

OA No.467/93

NEW DELHI, THE 28TH DAY OF APRIL, 1994.

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

Sh. Mool Chand
S/o Shri Rameshwar Dayal
R/o 565 Moj Pur
Shahdara, Delhi ... APPLICANT
BY ADVOCATE MRS. RANI CHHABRA.

Vs.

1. Union of India,
through its Secretary,
Ministry of Communications
Department of Telecommunication
New Delhi.

2. Assistant Engineer Telecom
Microwave Project
Muzaffarnagar ... RESPONDENTS

NONE FOR THE RESPONDENTS.

ORDER (ORAL)

JUSTICE S.K.DHAON:

No counter-affidavit has been filed in this case. Therefore, we proceed on the assumption that the averments made in the OA are correct. The averments, as material, are these. The applicant was recruited as a casual worker in September, 1985 in the Department of Telecom. He continued in that capacity till May, 1987. From January, 1989 till August, 1990, he worked continuously. His services were arbitrarily and illegally terminated with effect from September, 1990 vide oral orders without notice or without assigning any reason.

2. It is to be noted that the scheme prepared by the Telecom Department for regularisation of the services of casual workers and for being given temporary status came into effect from 1.10.1989.

3. On 24.2.1993, an interim order was passed in this OA to the effect that the respondents will consider engaging the applicant as a casual labourer if vacancy exists and in preference to those with lesser length of service.

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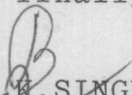
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
4. Apparently, the cause of action for filing this OA arose to the applicant in September, 1990. However, this OA was presented in this Tribunal on 22.2.1993. Had this OA been filed within time, ^{been} the applicant would have/entitled to a direction from us that the respondents should consider his case for being given temporary status in accordance with the relevant scheme? Keeping in view the peculiar facts of this case, we condone the delay in the filing of this OA for a limited purpose i.e. for the purpose of giving a direction to the respondents to consider sympathetically the case of the applicant for being given a fresh engagement.

5. Learned counsel for the applicant/ ^{has} stated at the Bar that in view of the fact that the application suffers from laches, she does not press the claim of the applicant for reinstatement in service and for payment of back-wages.

6. We have no doubt that the authority concerned shall consider the case of the applicant for being given a fresh engagement if he is otherwise eligible.

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


(B.K. SINGH)
MEMBER (A)


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

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