

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD  
BENCH, ALLAHABAD.

Dated: Allahabad, the 2nd Day of March, 2001

Coram: Hon'ble Mr. V. Srikantan ... Admn. Member

Hon'ble Mr. Rafiquddin ... Judicial Member

ORIGINAL APPLICATION NO. 1262/ 1996

Shri Preetam Kumar  
Son of Shri Buddhi Lal  
R/o Mohalla Jatepur Dakshini  
Dharmshala Bazar, Roakhpur ... Applicant  
(By Advocate Shri B. Tewari)

VS.

1. Union of India through its  
Secretary, Ministry of  
Telecommunication  
New Delhi.
2. District Manager of Telecommuni-  
cation, Gorakhpur.
3. Chief General Manager,  
Telecommunication, Uttar Pradesh  
Circle, Lucknow. ... Respondents  
(By Advocate Shri Amit Sthalekar)

O R D E R (ORAL)

HON'BLE MR. RAFIQUDDIN, JUDICIAL MEMBER:

The applicant has filed this OA seeking a  
direction to be issued to the respondents to regularise  
him as regular labour after due selection by the DPC.

2. The applicant claims that he had worked as  
casual labour from December 1983 to May 1989 under  
District Manager Telecommunication, District Gorakhpur  
(Respondent No.2). The total period of his working

... 2/-

Rn

comes to 911 days. The respondents, however, had advertised the post on 1.11.95 for regular appointment. The Chief General Manager, Telecommunications, U.P. Circle vide his letter dated 14.11.94 had directed respondent No.2 that the case of the applicant alongwith other candidates should be considered for selection. The respondent No.2 has, however, ignored the directions and appointed 8 candidates from Schedule Caste category directly without asking for names from local employment exchange.

3. The respondents have contested the claim of the applicant by stating that since the departmental candidates were available for filling up the vacancies of regular mazdoor there was no necessity of sending a requisition to the Employment Exchange for filling up the vacancies. It is further stated that the standard of working for 240 days is not the only criterion for regularisation and since the applicant was not regular in service since 1989 and the requisite qualification was not found by the DPC, the applicant was not found as eligible candidate for appointment.

4. We have heard learned counsel for the parties and perused records.

5. The learned counsel for the applicant has brought<sup>u</sup> to our notice the contents of paragraph 3 of letter dated 14.11.94 issued by Chief General Manager, Telecommunications, U.P. Circle, Lucknow, a copy of which has annexed as Annexure A-4 in which the direction has been issued to the Telecom District Engineer, Gorakhpur to consider the case of the applicant also, the <sup>relevant</sup> part of this direction is as under:

... 3/-

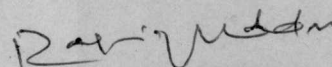
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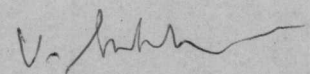


"The 2nd candidate, Shri Preetam Kumar has been C/L on M/R as per details given in your above letter. If this candidate comes through employment exchange after registering himself, he may also be given proper priority in D.P.C. because he has been C/L in the department and as per attached DOT letter these types candidates can be considered for selection".

6. The learned counsel for the applicant has urged that since the applicant is already registered with the local employment exchange and has also requisite qualification, namely 8th class pass, there was no reason to ignore the candidature of the applicant by the DPC.

7. After considering the facts and circumstances of the case, we dispose of this OA with the direction of respondent No.2 to reconsider the case of the applicant for regularisation of his service as regular mazdoor in the light of the directions given by the Chief General Manager, Telecommunications, U.P. Circle, Lucknow, in his letter dated 14.11.94 referred to above. The respondent No.2 would also send a requisition to the Employment Exchange concerned, if necessary to sponsor the name of the applicant before considering his case for regularisation. The necessary exercise will be done within a period of three months from the date of communication of this order. No order as to costs.

  
JUDICIAL MEMBER

  
ADMINISTRATIVE MEMBER