

(15)

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD.

O.A. No. 123 of 1997

This the 25th day of November, 2002

HON'BLE SHRI M.P. SINGH, MEMBER (A)

Triveni Prasad, son of Sri Ram Naresh
Telephone Exchange Compound Dehradun.

....Applicant

(By Advocate : Shri R.C. Sinha)

Versus

1. Union of India, through
Chief General Manager,
Telecom (W), Dehradun.
2. District Manager, Telecom Dehradun,
56, Subhash Road, Dehradun.
3. District Engineer, E-10-B Exchange,
Paffer Nagar, Dehradun.

(By Advocate : Shri S.C. Mishra)

....Respondents

ORDER (ORAL)

In the present application, the applicant has sought a direction to set aside and quash the orders dated 8.2.1996 and 25.3.1996 (Annexure A1 and Annexure A2 respectively) and has sought further direction to the respondents to consider the case of the applicant for regularisation after computing the services of the applicant from 1.12.1985 with all consequential benefits.

2. The brief facts of the case, as submitted by the applicant, are that the applicant was appointed as Labourer on daily wages by Assistant Engineer Wireless, Dehradun w.e.f. 1.12.1985. He was removed from service w.e.f. 15.8.1987. Aggrieved by this, he has filed a case No.121/89 in the Central Govt. Industrial Tribunal, New Delhi. The Tribunal gave its award on 8.5.1991 allowing the applicant's claim. The applicant was reinstated or taken back in service w.e.f. 1.12.1991.

3. The contention of the applicant is that since he was engaged w.e.f. 1.12.1985, he should be regularised in the post of Mazdoor after taking into account ^{in aforesaid period} ~~continuation~~ w.e.f. 1.12.1985. According to the applicant, the period

M.P.S.

of break in service, is from the date of removal from service (15.8.1987) till the date of reinstatement in service (1.12.1991) ^{and the same will} should be condoned for all purposes, as he has been reinstated in service in pursuance of the Central Govt. Industrial Tribunal's award dated 8.5.1991 in case No. 121/1989.

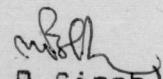
4. On the other hand, the contention of the learned counsel for the respondents is that the applicant was disengaged on 15.8.1987 and he was taken back in service w.e.f. 1.12.1991. The period from the date of removal from service till the date of reinstatement in service is more than one year, as such the same cannot be condoned. This period cannot be counted towards seniority and for the purpose of regularisation.

5. Heard learned counsel for the rival contesting parties and perused the material placed on record.

6. It is not disputed that the applicant has been engaged w.e.f. 1.12.1985 and his services were terminated w.e.f. 15.8.1987. Thereafter he was reinstated in service w.e.f. 1.12.1991 in pursuance of the aforesaid Tribunal's award. Therefore, the period from the date of removal from service till the date of reinstatement in service is required to be condoned by the respondents and the said period is required to be taken into consideration for the purpose of regularisation w.e.f. 1.12.1985.

7. For the reasons recorded above, the orders dated 8.2.96 and 25.3.96 (Annexure A1 and Annexure A2 respectively) are quashed and set aside. The respondents are directed to consider the case of the applicant for regularisation after taking into account his service rendered by him w.e.f. 1.12.85,

8. The present OA is disposed of in the aforesaid terms. There shall be no order as to cost.


(M.P. Singh)
M/ (A)