

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD

ORIGINAL APPLICATION NUMBER 458 OF 1997

FRIDAY, THIS THE 15th DAY OF NOVEMBER, 2002

HON'BLE MR. JUSTICE R.R.K. TRIVEDI, VICE- CHAIRMAN
HON'BLE MR. SARVESHWAR JHA, MEMBER (A)

Viresh Kumar Pandey, aged about 34 years,
s/o Shri Jagat Narain Pandey,
r/o 7/18, Mansukh Khora,
Ganga Ghat,
Unnao.

.....Applicant

Counsel for the applicant: Shri N.K. Nair

VERSUS

1. Union of India through the Secretary,
Ministry of Tele Communication,
Government of India,
New Delhi.
2. Director General of Tele Communications,
Ministry of Tele Communications,
Government of India,
New Delhi.
3. Director, Tele Communications,
Saket Nagar,
Kanpur.
4. Divisional Engineer, Telecom,
Coaxial Maintenance,
C.T.O. Compound,
Kanpur.

..... Respondents.

Counsel for the Respondents: Shri A. Mohiley.

O R D E R

Hon'ble Mr. Justice R.R.K. Trivedi, V.C.

By this O.A. applicant has approached for a direction
to respondents to reinstate him as Mazdoor, under Divisional
Engineer Telecom, Coaxial Maintenance, Kanpur with continuity

of service and all consequential benefits. The facts of the case are that the applicant Veeresh Kumar was serving as Casual Labour in the Telecom Department at Kanpur Telephones. He had joined on 17.02.1982. He worked up to 03.07.1989. The applicant was involved in a criminal case under section 498A/304B of the Indian Penal Code and section 3/4 Dowry Prohibition Act. The case was registered at Police Station Ganga Ghat, ^{Unnao} Kanpur. In this case the applicant was tried ⁱⁿ in Sessional Trial No.391 of 1990 by a third ^{Additional} ~~registered~~ Session Judge, Unnao, applicant was acquitted on 03.07.95. The learned Session Judge concluded in the order ^{that} as under:-

"So on the basis of the aforesaid rulings also, when considered, it becomes clear that the prosecution has not succeeded in proving its case beyond all reasonable and probable doubts against the accused persons. Accordingly the accused persons are entitled to benefit or doubt and to be acquitted."

2. After acquittal the applicant filed a case in Labour Court for being reinstated. The Labour Court however, by order dated 20.01.1997 rejected the claim as not maintainable.

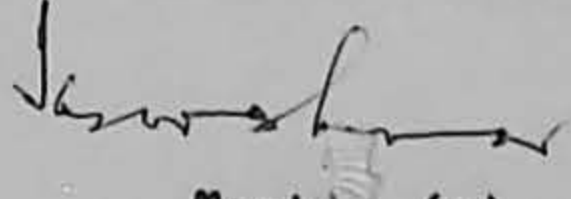
Thereafter, the O.A. was filed in this Tribunal on 20.04.1997.

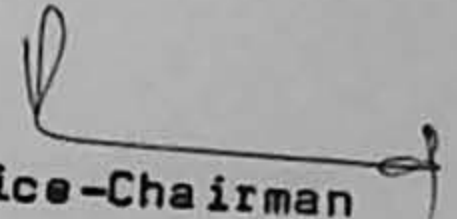
^{respondents is that they were converted into and} The position of the Bharat Sanchar Nigam Limited ^{is that} during this period it became a corporation, ^{by} the applicant was not regular employee, he cannot claim ^a that he is the employee of Union of India, He was a Casual Labour serving in Tele Communications Department which is now known as Bharat Sanchar Nigam Limited. In the circumstances, this dispute is not maintainable here. The applicant if advised ^{may} ^{of} ~~him~~ filed a detailed representation before the ^{competent} ~~competent~~

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competent authority in Bharat Sanchar Nigam Limited. It may considered and decide the same in accordance with Law. The application is disposed of.

3. There shall be no order as to costs.


Member (A)


Vice-Chairman

shukla/-