

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

CIRCUIT SITTING AT NAINITAL

this the 25th DAY OF OCTOBER, 2002

Original Application No.1284 of 1998

CORAM:

HON.MR.JUSTICE R.R.K.TRIVEDI,V.C.

Dinesh Chandra Chamoli, Son of
Satya Prakash Chamoli, R/o
Village Prateet Nagar, P.O. Raiwala
District Dehradun.

... Applicant

Versus

1. Union of India, through its Secretary, Ministry of Telecommunication, Department New Delhi.
2. Sub-Divisional Officer, Telecommunication, Rishikesh.
3. General Manager, Telecommunication (West) U.P., Dehradun.

... Respondents

(By Adv: Shri Satish Chaturvedi)

O R D E R(Oral)

JUSTICE R.R.K.TRIVEDI,V.C.

By this OA u/s 19 of A.T.Act 1985 applicant has prayed for a direction to the respondents to absorb him on daily wages or casual employee till his chance of regularisation of his service comes in accordance with the scheme Casual Labourers (grant of temporary status and regularisation) scheme of 1989.

The facts of the case are that applicant was appointed as Line Man on daily wages in the year 1984. He continued to work without break upto the last week of February 1988. The applicant was dispensed with from

service from last week of February 1988. The applicant filed an application u/s 10 of Industrial Disputes Act 1947 before Assistant Labour Commissioner Central, District Dehradun. ~~On~~ conciliation proceedings were started in which the settlement was reached between the applicant on one side and respondent no.2 Sub Divisional Officer Telecommunication, Rishikesh on the other side. A copy of the settlement has been filed as (Annexure 1). The applicant thereafter filed OA No.491/92 before the Principal Bench which was disposed of by Principal Bench on 21.4.1993. The operative part of the order has been quoted in OA in para 4(f) which shows that respondents were directed to consider the case of the applicant in the light of the scheme nomenclatured as Casual Labourers(grant of temporary status and regularisation) Scheme of the department of Telecommunication 1989. This scheme was issued under the direction of Hon'ble Supreme court. The scheme was approved by Hon'ble Supreme Court in case of 'Jagriti Mazdoor Union Vs. Mahanagar Telephone Nigam Ltd, 1990(Supp) SCC 113. It was further directed that the respondents ~~to~~ consider the case of the applicant within three months from the date of receipt of the copy of the order.

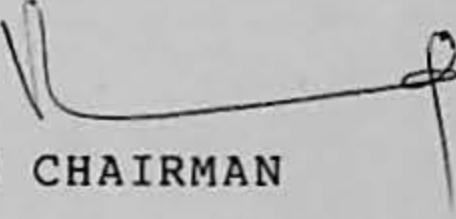
Shri Pankaj Srivastava learned counsel appearing for the respondents submitted that in terms of the scheme the benefit could be given to only those employees who were in actual service on 1.10.1989. As the applicant was already dis-engaged in the last week of February 1988 he was not entitled for the benefit of the scheme, hence the applicant ~~when~~ was not granted relief, ^{then} he filed contempt application No.61/95 before the Principal Bench which was dismissed after hearing on 22.3.1995. The learned counsel has submitted that in view of the aforesaid fact this OA is not legally maintainable and

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applicant is not entitled for any relief.

Considering the facts and circumstances narrated above, in my opinion, in view of the orders passed by Principal Bench in OA No.491/92 and in contempt application No.61/95, the claim of the applicant is barred by resjudicata and he is not entitled for any relief.

The OA is accordingly dismissed with no order as to costs.


VICE CHAIRMAN

Dated: 25th October, 2002

Uv/