

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH

ALLAHABAD

Allahabad : Dated this 28 day of August, 2000

Original Application No. 1689 of 1993

District : Allahabad

CORAM:-

Hon'ble Mr. S. Dayal, A.M.

Hon'ble Mr. Rafiquddin, J.M.

Sri Vijay Prakash Son of Sri Madan Ram,  
Vishwakarma, Resident of 3-A, Auckland Road,  
Allahabad.

(Sri Saumitra Singh, Advocate)

. . . . . Applicant

Versus

1. Union of India through Ministry of  
Telecommunication Department.
2. District Telecommunication Manager,  
Civil Lines, Allahabad.

(Km. Sadhna Srivastava, Advocate)

. . . . . Respondents

O R D E R (O\_r\_a\_l)

By Hon'ble Mr. Rafiquddin, J.M.

The applicant has filed this OA for issuance of a direction to the respondents for regularisation of his services as Group 'D' employee and for permitting him to work and for reinstatement to his post.

2. The applicant claims that he worked as a casual labour during the period from 4-4-1984 to 01-3-1985 in the office of S.D.O. Phones(East) and as such, he had worked regularly and continuously in that capacity on



muster roll for 386 days. The applicant also claims that he was also allowed to work on muster roll till the month of February, 1991. He has not been provided work after February, 1991 whereas his juniors are still working in the department and some juniors have also been regularised. Hence, he has filed this OA. According to the applicant, he sent various representations through registered post and also personally requested the authorities for permitting to work but no reply has been received.

3. We have heard counsel for the parties and perused the record carefully.

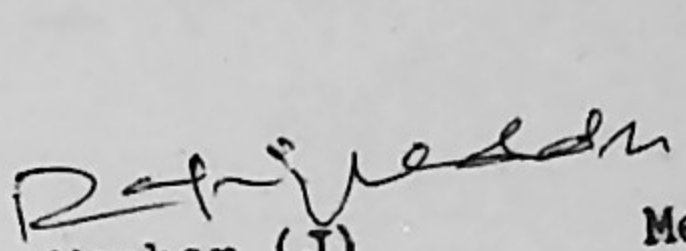
4. It has been conceded by the learned counsel for the respondents that as per evidence on record, the applicant worked <sup>low</sup> 2 days from April to March, 1985 and thereafter he left the job. In support of his claim the applicant has filed a copy of the alleged certificate issued by the S.D. Phones (East) Allahabad, which has been annexed as Annexure-3 to the OA, in which there is a verification for 356 working days but the learned counsel for the applicant has failed to place before us the original copy of the certificate. Therefore, in the absence of original certificate it is not possible to conclude that the applicant actually worked for 356 days as claimed by him.


4. It has been contended by the learned counsel for the respondents that enforcement of the direction issued by the Apex Court in in SLP No.1280/1999-Rangopal Vs. UOI & Ors, a scheme of 1989, which came into effect on 1-10-1989 was framed by the department for regularisation of casual labours. A copy of the scheme has been placed before us for perusal. One of the conditions for grant of temporary status to the casual labours is that

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he must have rendered a continuous service of at least one year, out of which he must have engaged on work for a period of 240 days. The applicant in the present case has failed to prove that he worked continuously as casual labour at least for one year. The applicant, is, therefore, not entitled for any benefit of the scheme. The OA is devoid of any merit and hence is dismissed with no order as to costs.

  
Member (J)

  
Member (A)

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