

OPEN COURT

Central Administrative Tribunal Allahabad.

Bench Allahabad.

Dated; Allahabad, this the 19th day of April, 2000

CORAM; Hon'ble Mr. S.K.I Naqvi, Member(J).

Original Application No.292 of 1999.

Komal Prasad Sharma.

S/o Sh. Pooran Chand Sharma.

R/o New Abadi, Nath Ka Bagh, Ghadi Balaria.

Agra.

.....Applicant.

(Counsel for the applicant; Sri. D.C Saxena. Advocate)

Versus.

1. Union of India,
through, the Chairman.
Telecom Commission.
Sanchar Bhawan.
20 Ashoka Road.
New Delhi.
2. The Chief General Manager NTR
Kidwai Bhawan,
New Delhi- 110 001.
3. General Manager, Telecom.
Dept of Telecommunication,
CTO Compound,
Agra.
4. A.G.M (Admn)

See

C/o General Manager, Telecom Department
of Telecom, C.T.O Compound, Agra.

5. Divisional Engineer.
Telecom (D.F.C Maintenance)
Tax Bhawan, Agra Fort,
Agra.

.....Respondents.

(Counsel for the Respondents: Sri D.S. Shukla, Advocate).

O R D E R

The applicant, Komal Prasad Sharma, has come up before the Tribunal seeking direction to the respondents to regularise his services in view of his continuous service of 7 years and consider him for appointment against the regular vacancies in the Department.

2. As per applicant's case, he was initially engaged as Casual Driver in respondent- Department in December, 1991 against the vacant post and since then he has continuously been working with the respondents, having working days as mentioned in the chart issued by the office of respondent, copy of which has been annexed as Annexure No.A-1 to the O.A. The applicant has claimed that under the scheme, known as Casual Labourer (Grant of Temporary Status and Regularisation) of the Scheme

See

of the Department of Tele Communication 1989, he becomes entitled to be accorded temporary status for having put in the required number of working days i.e a period of 240 days and thereafter, he gets entitlement of being considered for regularisation of the services. The applicant has also pleaded that he made several representations to this effect, but, the same have not been decided. The latest being ^{sr} ~~it~~ dated 11.12.97 (Annexure No.A-4), when the application was not favourably disposed by the department, he has come up before the Tribunal for the direction.

3. The claim of the applicant ^{has been} ~~is~~ contested on behalf of the respondents, and it has been pleaded that the post of Driver, being Group 'C' Post, the applicant is not entitled for regularisation, as prayed for.

4. Heard, the learned counsel for the rival contesting parties and perused the record.

5. Considering the facts and circumstances of the case and law referred on the point, I am of the view that the authorities ^{respondent} in the Department may be directed to examine the case of the applicant and pass appropriate order. It is, therefore, directed that the respondents shall examine the case of the applicant in the light of provision contained in Casual Labour (Grant of

Temporary Status and Regularisation) Scheme of Department of Tele Communication, 1989 and pass detailed, speaking and reasoned order within 4 months from the date of communication of this order, ~~and~~ under intimation to the applicant.

No order as to costs.

See Nagar
Member (J)

/m.k.s./