

OPEN COURT

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 16th day of May 2002.

QUORUM : HON. MS. MEERA CHHIBBER, J.M.

O.A. No. 757 of 1999.

Roop Kishore s/o Sri Mewa Ram aged about 24 years r/o Sanjay Nagar near Neem Ki Chadhayee Vihar Mar Nagla, Bareilly.

..... Applicant.

Counsel for applicant : Sri R.C. Pathak. (Not present)

Versus

1. Union of India through the Secretary Telecommunication, Ministry of Telecommunication, Govt. of India, Sanchar Bhawan, New Delhi.
2. The Telecom District Manager (TDM), The office of the Telecom District Manager, C.T.O., Compound, Bareilly Cantt.
3. The Sub-Divisional Officer (Phones), The Office of the SDO (Phones), Rajendra Nagar, Bareilly, U.P.

..... Respondents.

Counsel for respondents : Sri A. Sthalekar.

O R D E R (ORAL)

BY MS. MEERA CHHIBBER, J.M.

The applicant in this case has sought the following reliefs :-

- i) Issue suitable order, direction by way of MANDAMUS directing the respondent No.3 not to terminate casual service of the applicant as ordered verbally from 15.7.99 and to withdraw such illegal verbal order given on 4.7.99 and the applicant be permitted to continue as casual labour as the same the applicant performing since 1.1.95 continuously regularly without any break.
- ii) Issue suitable order or direction by way of MANDAMUS directing the respondent No.2 to grant 'Temporary Status' to the applicant according to DOT order dated 29.11.89. The applicant worked more than 240 days in a calendar year after

29.11.89. As the applicant is working as casual labour continuously regularly and without break since 1.1.95.

iii) Issue suitable order direction by way of MANDAMUS directing the respondents to implement all the Govt. policies issued time to time for regularisation of casual services of the labour on Group 'D' and also implement the direction of Hon'ble Supreme Court and Hon'ble CAT on the aforesaid matter in the case of the applicant as he is fully eligible for regularisation and 'Temporary Status'.

iv) Issue any other order or direction as the Hon'ble Tribunal may deem fit and proper in the applicant's case.

v) To award cost of the application to the applicant.

on the ground that they have been working with the respondents from Jan. 1995 till 30.4.99 and the Respondent No.3 has terminated the services by an oral order on 4.7.99. In support of his claim, he has annexed the attendance sheet duly signed by one Sri Hori Lal, Sr. Line man. The applicants have relied on the casual labourers (grant of temporary status and regularisation) ^{scheme} dated 7.11.89. The respondents, however, in their reply have categorically stated that the petitioner was never engaged as casual labour with the respondents as such the question of petitioner having worked with respondents, as alleged, does not arise at all. They have further stated that the attendance sheet from 1.1.95 to 30.4.99 filed by the petitioner with the O.A. is a manufactured document in as much as Shri Hori Lal, who is said to have been ^{counter signed} ~~filed~~ the attendance sheet ^{deemed the same valid} ~~has~~ his letter dated 11.10.99 addressed to the Respondent No.3 ^{wherein he has} clearly stated that he has not signed the said attendance sheet and somebody has fraudulently made his signatures on the alleged attendance sheet. The respondents have annexed the hand written letter of Shri Hori Lal to SDE (Phones) wherein he has clearly mentioned that somebody has forged his signatures in order to implicate him in this case



as he has not signed on the said attendance sheet. This counter has been filed on 14.3.01 but the applicant has not even bothered to controvert the same by filing the rejoinder. Thus, the averments made by the respondents stands admitted by the applicant and since the applicants have used fabricated documents to take relief from the court, they are not at all entitled to any relief from this court. In fact such an O.A. should be dismissed with heavy cost. However, since neither the applicant nor his counsel is present today, no purpose would be served by imposing any cost on the applicant as the respondents cannot recover the same from the applicants. Therefore, the O.A. is dismissed ^{with} and no order as to costs.

J.M.

Asthana/
23.5.02