

CENTRAL ADMINISTRATIVE TRIBUNAL
ALLAHABAD BENCH
ALLAHABAD

Original Application No. 110 of 1999

Allahabad this the 18th day of JANUARY, 2001

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

1. Brijesh Mohan S/o Shri Raj Kumar, Resident of House No.2, Patviyan, Sarrafa Bazar, Muzaffarnagar,
2. Lalit Kumar S/o Shri Ram Swarup Sharma, Resident of House, No.29, Ghair Khatti, New Mandi, Muzaffarnagar.

By Advocate Shri R.D. Khare

Versus

1. Union of India through Secretary, Ministry of Telecommunication, New Delhi.
2. The General Manager, District Telecom Department, Muzaffarnagar, District Muzaffarnagar.
3. Sub Divisional Engineer, District Telecom Department, Muzaffarnagar.

By Advocate Shri Satish Chaturvedi

ORDER (Oral)

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

The applicants-Brijesh Mohan and Lalit Kumar have come up seeking relief to the effect that the respondents be directed to regularise their services immediately after completion of 240 days of continuous service in the department

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and also to pay the arrears of difference of salary. In support of their contention, the applicants have referred the work chart for the period from September, 1991 to February, 1995 as annexure-1 in respect of the applicant-Brijesh Mohan and annexure-8 in respect of the applicant no.2-Lalit Kumar. It has also been contended that even beyond this period, as covered under this chart, the applicants have worked with the respondents but, no work chart was issued to suppress the service benefit claim of the applicant. In support of this contention, the applicants have brought on record the bill of wages as annexure no.2 and identity card as annexure no.3. They have also filed the copies of photographs published in the Newspaper, taken on different occasions, consisting of employees working with the respondents. The applicants have also filed ^{copies} of representations moved in the years 1997 and 1998 but, have not been decided by the respondents and, therefore, they have come up for redressal before the Tribunal.

2. The respondents have contested the case and filed counter-reply with specific pleading that the applicants worked during 1991 to 1995 on purely temporary basis on contract to complete the project work and thereafter were disengaged and then again engaged in December, 1995 for 25 days under exigency of work, and again for 28 days in January, 1996 as casual labour on purely temporary basis and thereby no right accrues to them for the claim as has been preferred in the O.A.

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3. The applicants have also reiterated their pleadings and replied the counter-affidavit through rejoinder-affidavit.

4. Heard the learned counsel for the parties and have ^aperused the record.

5. It has very much been emphasised that the applicants have admittedly worked temporarily with the respondents and that confers some right to them in view of admitted continuous days they worked with the respondents.

6. Keeping in view the facts and have come up through pleadings, I find it expedient to decide the matter with the following direction;

"In case the applicants moved [&]a fresh representations within 4 weeks from the date of this order annexing therewith the copies of pending representations and the copies of documents in support of their contention, the same be decided within 3 months thereafter and in case their prayer is not acceded by the competent authority in the respondents establishment, the order be passed with ^{complete} details and shall be speaking, with copy to the applicants."

7. No order as to costs.

S. C. K. Aggarwal

Member (J)

/M.M./