

CENTRAL ADMINISTRATIVE TRIBUNAL  
ALLAHABAD BENCH, ALLAHABAD.

Allahabad, this the 26th day of September, 2002.

QUORUM : HON. MR. S. DAYAL, A.M.  
HON. MR. A. K. BHATNAGAR, J.M.

O. A. No. 135 of 1999

Om Pal S/O Shri Sukhoo Singh R/O Village Pilana, Post Hisauna,  
P. S. Heempur, District Bijnore..... .... Applicant.

Counsel for the applicant : Sri R.P. Singh.

Versus

1. Union of India through its Secretary, Ministry of Communication, Department of Telecommunication, Sanchar Bhawan, New Delhi.
2. Chief General Manager, Telecom, West, Department of Telecommunications, Dehradun.
3. Telecom District Manager, Department of Telecommunications, Moradabad (UP).
4. Sub-Divisional Engineer, Department of Telecommunications, Gajraula (UP)..... .... Respondents.

Counsel for the respondents : Sri M.B. Singh.

ORDER

BY HON. MR. S. DAYAL, A.M.

This application has been filed for a direction to respondents to confer temporary status upon the applicant in accordance with the scheme evolved by them with effect from the date he became eligible for conferment of the same after completion of one year continuous service along with consequential benefits.

2. The applicant has claimed that he was engaged as a casual labour in December 1994 in the department of Telecom and was being paid from ACG-17. Pursuant to the directions of Apex Court in P&T Employees Vs. Union of India 1988(1) SCC Page 122, the Department of Telecommunication was directed to frame a scheme for absorption of all the casual labourers, who have been continuously working with the Department of Telecom. It

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is claimed that the temporary status was granted to the casual labourers currently employed and who have rendered continuous service of atleast one year our of which they should have been engaged to work ~~in~~ for a period of 240 days (in case of observing six day week) and 206 days (in case of office observing five days week). The applicant claimed that he was continuously working from December 1994 onwards.

3. The arguments of Sri R.P. Singh for applicant has been heard. None remain present for the respondents.

4. We have considered the provisions of casual labourers (grant of temporary status and regularisation) scheme of Department of Telecommunication 1989. The vacancies in group 'D' cadres in various offices of the Department of Telecommunication were to be especially dealt with exclusively by regularisation of casual labourers and no outsiders were to be appointed except on compassionate ground till the absorption of all existing casual labourers. However, regular group 'D' staff rendered surplus for any reason will have priority for absorption. Till the regular group 'D' vacancies were available temporary status was to be confirred on casual labourers who were employed in 1989 and had rendered a continuous service of atleast one year (240 days in case of six day week and 206 days in case of five day week). Such casual labourers were to be designated as casual Majdoors.

5. Counsel for the applicant has placed before us the order of Principal Bench passed in O.A. No.1542/92 dated 27.4.94 between Danvir Singh Vs. Union of India & others. In this too, the order was regarding the reinstatement of the applicant as his order of termination of service was held to be illegal and, therefore, this judgment also does not help the applicant.

6. Counsel for the applicant has also placed before us order dated 21.1.1998 of Principal Bench in O.A.No.353/97. This, however, is not applicable as the applicant in that case

was in employment in 1989 while the applicant in this case was employed w.e.f. 1994.

7. Counsel for the applicant submitted that the applicant is entitled to be regularised under orders dated 29.9.2000 circulated vide letter of Telecommunication No. 269-94-98-STN-2. By this letter, the Chief General Manager of Circles and District heads of Administrative Offices and IFAs were informed about the decision about regularisation of all the casual labourers working includes those who have been granted temporary status. However, we find that in this order also, there was a limited number of casual labourers mentioned. It is stated in this letter that by a letter of even number dated 12.2.99, by which temporary status is granted to casual labourers on 1.8.98, no casual labourer without temporary status would be left after 1.8.98. This O.A. has been filed in 1998 and the applicant has claimed to have been working <sup>and</sup> since 1994 onwards <sup>and</sup> has still not got the temporary status.

8. Under the circumstances, the respondents are directed to consider the claim of the applicant for grant of temporary status under letter No. 269-94/98-STN-II dated 29.9.2000 issued by Assistant Director General (STN) addressed to the formations in Circles, Districts and Administrative Units and also for his regularisation in case his juniors have been regularised. This direction shall be carried out within a period of three months from the date of receipt of a copy of this order.

There shall be no order as to costs.

  
J.M.

Asthana/  
30.9.02

  
A.M.