

CENTRAL ADMINISTRATIVE TRIBUNAL,
CUTTACK BENCH: CUTTACK.

Original Application No.158 of 1990

Date of decision: 19th December, 1990.

Narayan Nanda,
son of Jadhmani Nanda,
Vill-Paria Patapur,
Balianta, Dist. Puri. Applicant

-Versus-

1. Union of India, represented by
its Director General, Telecommunications,
Sanchar Bhavan, New Delhi.
2. Chief General Manager,
Telecom, Orissa Circle,
At/P.O. Bhubaneswar-1, Dist. Puri.
3. Divisional Officer, Telecom,
Bhubaneswar-6, Dist. Puri.
4. S.D.O. Phones, Bhubaneswar,
At/P.O. Bhubaneswar, Dist. Puri.
5. Divisional Engineer, Telegraphs,
At/P.O. Bhubaneswar, Dist. Puri.

..... Respondents

For the Applicant. M/s. Deepak Misra,
R.N. Naik, A. Deo
and B.S. Tripathy, Advocates

For the Respondents ... Mr. P.N. Mohapatra,
Addl. Std. Counsel (Central).

C O R A M :

THE HON'BLE MR. B.R. PATEL, VICE-CHAIRMAN
A N D

THE HON'BLE MR. K.P. ACHARYA, VICE-CHAIRMAN.

1. Whether reporters of local papers may be allowed
to see the judgement ? Yes.
2. To referred to the Reporters or not ? *NO*
3. Whether Their Lordships wish to see the fair
copy of the Judgement ? Yes.

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: - J U D G E M E N T : -

K.P. ACHARYA, VICE-CHAIRMAN

In this application under section 19 of the Administrative Tribunal's Act, 1985 the Petitioner prays to direct the Opposite Parties to re-engage him in Bhubaneswar Phones Sub-Division and regularise his services.

2. Shortly stated, the case of the Petitioner is that he was a Casual Mazdoor in Bhubaneswar Phones Sub-Division from April, 1973 till September, 1976 and thereafter he did not join the work. From July, 1985 to February, 1987 the Departmental Authorities again engaged him as Casual Labourer taking sympathetic view over the Petitioner which we do appreciate. The Petitioner came up with an application before this Bench forming subject matter of O.A. 272/88 which was disposed of on 14th April, 1989. This Bench by its judgement expressed an opinion that the Departmental Authority should take into consideration the grievances of the Petitioner and try to engage him. This Bench left the matter to the Disciplinary Authority to ^{finally} dispose of the matter and the discretion not having been exercised in favour of the Petitioner he has come up again with this application with the aforesaid prayer.

3. In their Counter the Opposite Parties maintained that no relief should be granted in favour of the Petitioner as he has voluntarily abandoned the idea ^{of} and ^{is} being engaged as Casual Labourer and further more his services as Casual Labourer not having been completed according to the stipulated period the question of his ^{is}

regularisation does not arise. Therefore it is maintained by the Opposite Parties that the case being devoid of merit is liable to be dismissed.

4. We have heard Mr. Deepak Misra, learned Counsel for the applicant and Mr. P.N. Mohapatra, learned Standing Counsel for the Central Govt. at some length. Mr. Mohapatra vehemently objected to the prayer of the Petitioner for regularisation of the service in view of the fact that the Petitioner has failed to discharge his duties as Casual Labourer for the stipulated period for regular absorption. Therefore he has been rightly deprived of his service and rightly Departmental Authority did not regularise his service.

5. We agree with Mr. Mohapatra that without completion of service as Casual Labourer for the stipulated period, question of regularisation does not arise. That can be taken up only after the Casual Labourer works for 240 days or more which is the stipulated period. Therefore, we agree with the contention of Mr. Mohapatra that question of regularisation at this stage does not arise. We are unable to give any direction to the opposite parties at this stage.

6. Even though Mr. Mohapatra vehemently objected for engagement of the Petitioner as Casual Labourer we do not feel inclined to accept this part of the submission in view of the fact that the Petitioner will be out of employment in the ²hard days. Of course we do not appreciate the conduct of the Petitioner having absented himself from duty

but at the same time the Departmental Authority took a sympathetic view over the Petitioner and engaged the Petitioner from July, 1985 to February, 1987. Therefore, we would direct that the Petitioner be engaged Casual Labourer under the Bhubaneswar Phones Sub-Division and after completion of stipulated period he may be regularised.

As consequential, we do hereby quash Annexures-1, 2 and 3. Accordingly the case is disposed of leaving the parties to bear their respective costs.

M. M. Mohapatra 19.12.90

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VICE-CHAIRMAN

Central Administrative Tribunal,
Cuttack Bench, Cuttack
The 19th December, 1990/Mohapatra

K. G. S. Singh 19.12.90

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VICE-CHAIRMAN



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