

ORDER DATED 14-11-2003.

Heard Mr.Basudev Pujari, Learned Counsel appearing for the Applicant and Mr.Bimleshwar Dash, Learned Additional Standing Counsel of Union of India, appearing for the Respondent - Telecom Department and perused the materials placed on record.

2. In this Original Application under section 19 of the Administrative Tribunals Act, 1985, the Applicant Karunakar Khuas (who claims to have served the Respondent Telecom Department from 31-08-1995 to 22-12-2000 on Casual basis) has prayed for his regularisation. In the counter filed on behalf of the Respondent-Department, the claim of the Applicant (that he was in engagement, on casual basis, under the Respondents) having been disputed; the Applicant has placed on record (with the rejoinder) certain materials/documents to support his (Applicant) claim and the Respondents have not been able to dispute the same. Thus, the said stand taken by the Respondent Telecom Department (in their counter) is not sustainable and, as a consequence, we are inclined to hold that the Applicant was certainly engaged under the Respondent-Telecom Department on Casual basis.

3. Before proceeding to examine as to whether the Respondents can be asked to regularise the Applicant under them, the Applicant has placed on record certain materials (by filing M.A.No.923 of 2003; a copy of which

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has been served on Mr.B.Dash, Learned Additional Standing Counsel for the Union of India) to show that the Respondent-Telecom Department are taking steps to regularise some (455) left-out casually engaged persons as R.M.. It is stated by Mr.B.Pujari, Learned Counsel appearing for the Applicant, that the Respondent-Department scrutinised the cases of 1437 Casual Labourers and have identified only 455 persons for being regularised; for which similar numbers (455) of RM Posts have now been created/sanctioned and that steps are now being taken to regularise these 455 identified casual labourers as RM; for which their Bio-data were called for (under Annexure-1 dated 15.10.2003 to the present M.A.) by the end of October, 2003. It has also been pointed out by Mr.Pujari, Learned Counsel appearing for the Applicant, that persons identified for being regularised were engaged in the years 1995, 1996, 1997 and 1998 and, while giving such consideration (for regularising the left-out Casual Labourers) in respect of total 1437 Casual Labourers, the Respondent-Telecom Department did not take into consideration the case of the Applicant.

4. Having heard Mr.Pujari, learned Counsel appearing for the Applicant and Mr.B.Dash, Learned Addl. Standing Counsel appearing for the Respondents, we are

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of the view that since the stand of the Respondent Telecom Department, in their counter, was that the Applicant was never in engagement under them; they might not have taken into consideration the case of the Applicant (while they were considering the cases of 1437 Casual Labourers) for regularisation. But now that we have held (in para-2 above) that the Applicant was in casual engagement under the Respondent Telecom Department, we hereby dispose of this Original Application with direction to the Respondents to examine (re-examine) the case of the Applicant (even by giving him personal hearing, if he so desires) for his regularisation and, until full consideration is given to his (Applicant) case and he (Applicant) is intimated about the result of such consideration, the Respondents should not finalise the regularisation of the 455 Casual Labourers in the newly sanctioned 455 RM Posts.

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affd 14/11/03 signed
to the Counsel for
both sides.*

Before parting with this case, liberty is hereby granted to the Applicant, who is present in Court, to represent his case before the Respondents within seven days hence.

5. With the above findings, observations and directions, this Original Application is disposed of.

Sub
Vice-Chairman 14/11/03
J. Chand
Member (Judicial)
14-11-2003

*PP
12/11/03*