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O.A.NO.829 of 2003

1. ORDER DATED 17-11-2003.

88 Applicants have filed this Original Application No.829 of 2003 and by filing M.A.No.921 of 2003, they have prayed for grant of leave to prosecute this case jointly.

Having heard the counsel for the parties (a copy of this O.A. and M.A.No.921/2003 had already been served on Mr. S.B.Jena, Learned Additional Standing Counsel for the Union of India) the prayer of 88 Applicants to prosecute this Original Application jointly is allowed; subject to payment of Rs.4,350/- in shape of IPOs/Bank draft.

Mr. Das, learned counsel appearing for the Applicants undertakes to deposit the IPOs/ Bank draft worth of Rs.4,350/- in course of the day.

In view of the above, this O.A.No.829 of 2003 be confined in respect of Applicant No.1 and separate O.A. numbers be assigned for statistical purposes, in respect of Applicants 2 to 88. M.A.No.921 of 2003 is accordingly disposed of.

Jahanty
17-11-2003
Member (Judicial)

2. Order dated 17-11-2003.

Applicants 88 in number have claimed that they were/are engaged as casual labourers under the Respondents in Telecom Department of Government of India. It is their cases that while taking steps to regularise the left-out casual labourers, the cases of the Applicants have not received due consideration (of the Respondents) discriminatorily.

2. It appears from Annexure-1 dated 15.10.2003 of the Original Application that it has already been decided to regularise few left-out casual labourers. It appears that out of 1437 Casual Labourers identified, only 455 Casual Labourers are going to be regularised; for which their Bio-data have been called for (under Annexure-1 dated 15.10.2003) to be furnished by 31.10.2003. Taking clue from this, Mr. Dash, learned Counsel appearing for the Applicants states that expeditious steps are being taken to regularise 455 Casual Labourers by unjustly ignoring the cases of Applicants, who have placed on record few materials to substantiate their cases as made out in the Original Application under section 19 of the Administrative Tribunals Act, 1985.

3. It is also the case of the Applicants that they have represented to the authorities for redressal of their grievances and, that without paying any heed to their grievances, expeditious steps are being

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taken to regularise a few casual labourers. To state in nut-shell, gross mala fides have been alleged in the Original Application.

4. In the aforesaid premises, without waisting any time to examine each of the cases of the Applicants, this case is hereby disposed of requiring the Respondents to examine (and, if required by re-examining) the cases of each of the Applicants herein (even by giving them personal hearing with reference to records) before proceeding to regularise any of the left-out casual Labourers; list of which was enclosed to Annexure-1 dated 15.10.2003. It is, however, made clear that without examining (re-examining) the cases of each of the Applicants and intimating them the result thereof; the Respondents should not give any finality to the matter relating to regularisation of left out casual labourers.

5. With the aforesaid observations and directions, this case is disposed of; by granting liberty to the Applicants to furnish details (including all details as required in the bio-data under Annexure-1 dated 15.10.2003) about themselves (to the Respondents) in order to substantiate this case, in shape of representation, by 24.11.2003. Send copies of this order to the Respondents, alongwith copies of the O.A., and free copies of this order be given to learned counsel for both sides.

Yashwant
17.11.2003
MEMBER (JUDICIAL)

Copy of order
dt. 17.11.03 issued
to the Counsel
for both sides.

(with cause title) *D.P.*
S.O. Bhatia
My
18/11/03

On Dr. 17.11.03
copies of order
with copies of
order sent to
all magts.

D.P.
28/11/03
S.V.(J)

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829/83

1.4.04

Let copy of H.A. be served on the
applicant and the matter may come up
thereafter for consideration.

John
Vice Chairman P.
J. O.
Secretary (S)