



FORM No. 4

See Rule (12)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
CUTTACK BENCH

**ORDER SHEET**

Application No. OA 1188 of 2004

Applicant (s). Babulicharan Jena ..... Respondent (s) Union of India & Ors.

Advocate  
for Applicant (s) M/s B. Mohanty - 3 ..... Advocate  
for Respondent (s) .....  
P. S. Jena

NOTES OF THE REGISTRY	ORDERS OF THE TRIBUNAL
<p>S. P. O. 218501- filed.</p> <p>For order re: registration.</p> <p>Report on the Secretary format may be seen on memo</p> <p>DR</p> <p>DR</p> <p>DR</p> <p>DR</p> <p>DR</p> <p>Please notify all defects.</p> <p>DR</p>	<p>Order dated 14.12.04 Order No.1</p> <p>On being mentioned by Mr. B. Mohanty this matter is taken up.</p> <p>Perused the office note.</p> <p>Mr. Mohanty undertakes to furnish English translation of Annexure-6 in course of the day.</p> <p>He also undertakes to correctly describe the Res. No. 1 in the cause title of this O.A. in course of the day. He also undertakes to properly attest the true copies/Annexures in course of the day.</p> <p>Accordingly he is permitted to carry out his undertakings in presence of the SO (Judicial)</p>

## Notes of the Registry

## Orders of the Tribunal

of the Registry of this Tribunal in course of the day. On the face of the said undertakings given by the applicant, this case be registered and O.A. number be assigned.

*J. S. Lalat*  
14/12/04  
Member (J)

14/12/2004  
Order No. 2

Heard Mr. B. Mohanty, Ld. Counsel appearing for the applicant and Mr. U. B. Mohapatra, Ld. Sr. Standing Counsel, on whom a copy of this O.A. has been served in Court to day.

Perused the materials placed on record. It appears the applicant served the Telecom Department of Government of India for a long time, having intermittent breaks, on casual basis. It appears, he was disengaged some time before 1.8.98; for which he had to approached an advocate to represent his case before the Department (as is evident from Annexure-3, dt. 1.8.1998). It is the case of applicant that on receipt of the advocate's notice under Annexure-3, dt. 1.8.1998, the Department again gave casual engagements to the applicant for some time and then, abruptly, disengaged him.

It is the case of the applicant that while disengaging him, other similarly placed casual workers were allowed to continue under the Respondents discriminatorily. It is also the case of the applicant that presently steps are being taken to regularise the casually engaged workers in Telecom Department and while doing so the Department/Respondents are not considering his case for regularisation.

Having heard the Ld. Counsel for both the parties, this O.A. is hereby disposed of with a direction to the Respondents to examine the grievances of the applicant for taking him to regular establishment, which they should do within a period of next six months. pending regularisation, the Respondents should also consider the case of the applicant for giving him casual engagements as was <sup>being</sup> given him previously. While doing so, the Respondents should keep themselves alive to the legal position as to whether the applicant had served the Department, as a casual worker, for 240 days/140 days over a calender year at any point of time. The Respondents should equally keep themselves alive to the legal position that "one casual employee could not have been replaced by any other casual employee" at any point of time.

With the aforesaid observations and direction, this O.A. is disposed of.

Send copies of this order to the Respondents, along with copies of this O.A. and free copies of this order be also handed over to the Ld. Counsel appearing for both the parties.

*Abul*  
14/12/2004  
Member (J)

Defeas removed

*J*  
14.12.04.

Copy or order of 14/12/04  
issued to the counsel for  
both side.

*W  
20/12/04  
S.O.*

*20/12/04*