



FORM No. 4

See Rule (12)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

CUTTACK BENCH

ORDER SHEET

Application No. OA 1188 of 200 4

Applicant (s) Babuli charan Jena Respondent (s) Union of India

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

NOTES OF THE REGISTRY	ORDERS OF THE TRIBUNAL
<p>Q.P.O. 2165012 taken.</p> <p>For orders re: registration. Report on the Secretary Personal may be seen. <u>on memo</u></p> <p><u>DR</u> 14/12/04 14.12.04</p> <p>Registrar Please notify the defects.</p> <p><u>DR</u> 14.12.04</p>	<p><u>Order dated 14.12.04</u> <u>Order No.1</u></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. 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 carried out his undertakings in presence of the SO (Judicial)</p>

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.

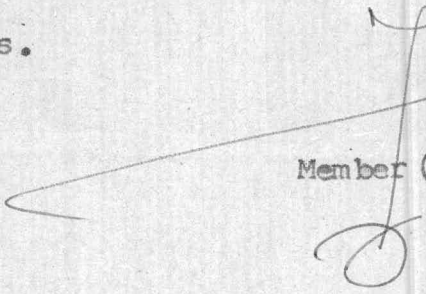

14/12/04
Member (J)

14/12/2004
Order No.2

Heard Mr. B. Mohanty, Id. Counsel appearing for the applicant and Mr. U. B. Mohapatra, Id. 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 approach 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 advocates 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.

NOTES OF THE REGISTRY	ORDERS OF THE TRIBUNAL
	<p>Having heard the Id.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 ^{being} 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.</p> <p>With the aforesaid observations and direction, this O.A. is disposed of.</p> <p>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 Id.Counsel appearing for both the parties.</p> <div style="text-align: right;">  Member (J) 14/12/2004 </div>

Defects removed

14.12.04.

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

20/12/04
S.O.

20/12/04