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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH, JODHPUR.

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Date of Decision: 09.10.96

OA 161/96

Gokul Chand, Tiffin Boy, SDOT, Dungarpur.

... Applicant

Versus

1. Union of India through the Secretary to the Government of India, Ministry of Communication (Department of Telecom), Sanchar Bhawan, New Delhi.
2. The Chief General Manager Telecom, Rajasthan Circle, Jaipur.
3. The Telecom District Engineer, Banswara.
4. Sub Divisional Officer Telecom, Dungarpur.

... Respondents

CORAM:

HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN

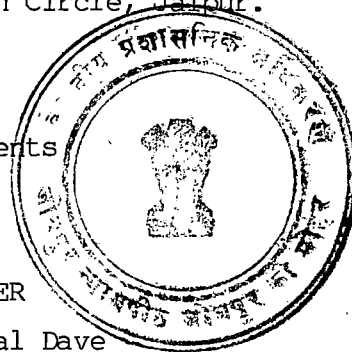
HON'BLE MR. S.P.BISWAS, ADMINISTRATIVE MEMBER

For the Applicant

... Mr. Kamal Dave

For the Respondents

... Mr. Sunil Joshi, brief holder for  
Mr. J.P. Joshi



O R D E R

PER HON'BLE MR. GOPAL KRISHNA, VICE CHAIRMAN

Applicant, Gokul Chand, has filed this application u/s 19 of the Administrative Tribunals Act, 1985, praying for quashing the impugned order, at Ann.A-1, dated 16.2.96, and the order dated 16.4.96, at Ann.A-2, whereby his services as a Tiffin Boy in the office of the Sub Divisional Officer Telecom, Dungarpur, were terminated w.e.f. 15.5.96.


2. We have heard the learned counsel for the applicant and Mr. Sunil Joshi, brief holder for Mr. J.P. Joshi, counsel for the respondents, and have carefully perused the records of the case. The learned counsel for the parties have agreed to this matter being decided at the stage of admission.

3. The contention of the applicant is that he is entitled to be treated as a Central Government employee w.e.f. 1.10.91 in terms of the decision of the Hon'ble Supreme Court, delivered on 11.10.91, in the Writ Petition Nos. 6189-7044 and 8246-55, C.K. Jha and others and P.N. Sharma and others. The impugned orders have been challenged as being arbitrary and violative of the provisions contained in Articles 14 and 16 of the Constitution.

*C. Joshi*

4. It is borne out by the reply filed on behalf of the respondents that

the question of regularising the services of the applicant was taken up by the department and since the Tiffin Room of TDE Office, Banswara, and Tea Canteen, Telephone Exchange, Dungarpur, have been closed, a decision was taken to regularise the services of the applicant as a Regular Mazdoor as the applicant was rendered surplus on account of the closure of the Tiffin Room and Tea Canteen. The respondents have now regularised the services of the applicant by appointing him as a Regular Mazdoor in the office of the SDOT, Dungarpur, vide order dated 29.8.96, at Ann.R-1. The grievance of the applicant has, therefore, been redressed. If the applicant wants any benefits to be conferred on him with retrospective effect, he is free to make representation to the concerned authorities. Since the relief claimed has been granted to the applicant by regularising his services as a Regular Mazdoor, the present OA stands dismissed as having become infructuous. No order as to costs.



(S.P. BISWAS)

ADMINISTRATIVE MEMBER

  
(GOPAL KRISHNA)

VICE CHAIRMAN

VK