

(6)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JODHPUR BENCH, JODHPUR.

* * *

Date of Decision: 23.2.98

OA 180/97

Jagdish, Sweeper/Farash in the office of Sub Divisional Officer (Telegraph), Jalore.

... Applicant

Versus

1. Union of India through the Secretary, Ministry of Telecom, New Delhi.
2. Sub Divisional Officer (Telegraph), Jalore.
3. Telecom District Manager, Sirohi.

... Respondents

CORAM:

HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN

HON'BLE Mr.GOPAL SINGH, ADMINISTRATIVE MEMBER

For the Applicant

... Mr.Vijay Mehta

For the Respondents

... Mr.Vinit Mathur

O R D E R

PER HON'BLE MR.GOPAL KRISHNA, VICE CHAIRMAN

Applicant, Jagdish, has filed this application under Section 19 of the Administrative Tribunals Act, 1985, challenging his verbal termination of service as a part-time Safaiwala/Farash in the Telegraph Office at Jalore.

2. Heard the learned counsel for the parties. Counsel for the parties have agreed to this matter being disposed of at the stage of admission.

3. Applicant's case is that he was appointed in 1989 as a Part-time Safaiwala/Farash in the Telegraph Office at Jalore under respondents No.2 and 3 and he has been working regularly and continuously since his appointment. The contention of the applicant is that he has worked for more than 1000 days and is eligible for being regularised and for being given temporary status. However, respondent No.2 has terminated his services by a verbal order on 1.4.97. The respondents have contested the application on the ground that the applicant was never appointed on a regular or temporary basis but he was engaged on daily rate basis for a few hours as and when required. He was kept purely on contingent basis. The learned counsel for the applicant has relied on the scheme called "Casual Labourers (Grant of Temporary Status and Regularisation) Scheme of the Department of Telegraph, 1989". The respondents have stated that since the applicant was never appointed as a casual labour, the provisions of the Scheme do not apply to him.

4. It is true that the applicant has rendered service as a part-time Safaiwala/Farash in the office of respondents No.2 and 3. In the circumstances, this

C. Krishna

application is disposed of, at the stage of admission, with a direction to the respondents to consider the applicant's case for grant of temporary status, if the applicant's case is covered by the scheme, referred to above. The respondents are directed to consider the applicant's case within a period of four months from the date of this order. The OA stands disposed of accordingly with no order as to costs.

(Gopal Singh)
(GOPAL SINGH)
ADM. MEMBER

(Gopal Krishna)
(GOPAL KRISHNA)
VICE CHAIRMAN

VK

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Part II and III destroyed
in my presence on 29-3-2004
under the supervision of
section officer (J) as per
order dated 22/12/2003.

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Section officer (Record)