

CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O.A.No.221/97

Monday this the 28th day of June, 1999.

CORAM:

HON'BLE SHRI A.V.HARIDASAN, VICE CHAIRMAN

Sajan K. Antony, S/o. K.M. Antony,
aged 27 years,
Casual Mazdoor, Transmission and Installation,
Panambilly nagar, Ernakulam, residing at
Kishakkayil, Chamampadal P.O., Kottayam. ..Applicant

(By Advocate Mr. Sreeraj)

vs.

1. The General Manager, Telecom Transmission Project,
Ernakulam.
2. The Assistant Engineer, Transmission Project,
Thottakkad Road, Ernakulam.
3. The Assistant Engineer, Transmission Installation,
Choice Building, Panambilly Nagar, Ernakulam.
4. The Director, Transmission Installation,
Panampilly Nagar. ..Respondents

(By Advocate Sri MHJ David J, ACGSC)

This Application having been heard on 9.6.99, the Tribunal on
28.6.99 delivered the following:-

O R D E R


HON'BLE SHRI A.V.HARIDASAN, VICE CHAIRMAN:

The applicant has filed this application for a declaration that he is entitled to be considered for conferment of temporary status with effect from 12.7.92, that he is a casual labourer of the Department of Telecom and for direction to the respondents to issue an identity card to him and to consider him for regularisation on a Group-D post. It is alleged in the Application that he was initially engaged as a casual mazdoor under the Divisional Engineer, Transmission Project from 1991 that he continued upto 1993 and he became eligible for grant of temporary status with effect from 12.7.92, that he was denied work from January 1994 to May 1995,

that thereafter he was being engaged without issuing an approval card, but showing him as a workman under a contractor Sri Vinod.

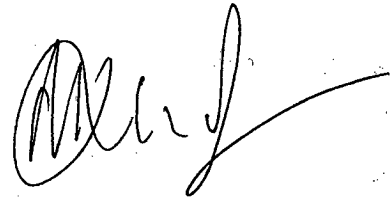
2. The respondents resist the claim of the applicant. They contend that there has been an absolute ban of engagement of casual labourer in the Department of Telecom, that the applicant was not engaged as a casual labourer on muster roll, that during 1991-92 he was engaged for specific work on ACG-17, that the applicant was engaged for some item of work thereafter under a contractor Sri Vinod and that as the scheme for grant of temporary status and regularisation is applicable only to the casual labourers who were engaged prior to 22.6.88, and currently engaged and have completed one year of service as on 7.11.89, the applicant who does not claim to have been currently in service as casual labourer on 7.11.89 has no right to claim any benefit under the Scheme, contend the respondents.

3. After hearing the learned counsel on either side and on perusing the pleadings and materials available on record, I am convinced that there is absolutely no basis for the claim of the applicant for a declaration that he is entitled to be conferred with temporary status under the scheme for grant of temporary status and regularisation which was brought into effect with effect from 7.11.89 (copy of which is Annexure-A3) as the applicant even going by his own averment, was not in casual service under the respondents on 7.11.89, much less continuously for a period of one year prior to that. The claim of the applicant for a declaration that he is a casual labourer under the respondents or for a direction to include his name in the muster roll also has no basis because the applicant has not been engaged by the Department as a casual labourer, especially when there is a total ban of engagement of casual labourers after 31.3.85. Though there had been instances of



engagement of casual labourer ignoring the ban after 31.3.85, a scheme was introduced for granting temporary status and regularisation of all the casual labourers who were currently employed and had rendered continuous service of one year prior to the date of introduction of the scheme with a view that there would be no further engagement of casual labourer and necessity to regularise them.

4. In the light of what is stated above finding no merit in this application, the application is dismissed leaving the parties to bear their own costs.



A.V. HARIDASAN
VICE CHAIRMAN

List of Annexures mentioned in the Order:

Annexure A3

True copy of the Casual labourers (Grant of temporary status and Regularisation) Scheme No. 269-10/89-STN dated 11/89 issued by the Assistant Director General (STN), Government of India, Department of Telecommunications, STN Section.

/njj/