

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH MUMBAI

ORIGINAL APPLICATION NO: 99/99

DATE OF DECISION: 9.8.1999

Shri Anant Yeshwant Chandiwade Applicant.

Shri S.P.Inamdar Advocate for
Applicant.

Versus

Union of India and others-----Respondents.

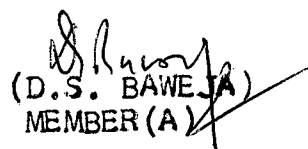
Shri S.S.Karkera for Advocate for
Shri P.M.Pradhan. Respondent(s)

CORAM

Hon'ble Shri D.S.Baweja, Member (A)

Hon'ble Shri

- (1) To be referred to the Reporter or not? 4
- (2) Whether it needs to be circulated to
other Benches of the Tribunal? 7


(D.S. BAWEJA)
MEMBER (A)

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CENTRSAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO: 99/99

Monday the 9th day of August 1999.

CORAM: Hon'ble Shri D.S.Baweja, Member (A)

Anant Yeshwant Chandiade
Residing at Ward No.7
Ganesh Nagar Room No;.138
Yerwada Pune.
Maharashtra State.

...Applicant.

By Advocate Shri S.P.Inamdar.

v/s.

1. Union of India Through
The Chief General Manager
Telecom Project, Phoneix
Mill Compound
Senapati Bapat Marg.
Lower Parel, Mumbai.

2. The Divisional Engineer
Telecom, Microwave Project
681-690 Beej Bhavan
Market Yard, Pune.

...Respondents

By Advocate Shri S.S.Karkera for Shri P.M.Pradhan.

ORDER(ORAL)

{Per Shri D.S.Baweja, Member(A)}

The applicant was engaged as Casual Labourer under Divisional Engineer Telecom(Microwave Projects) Pune in the year 1989 and thereafter continued in various spells till 6.6.1998. The Present OA has been filed by the applicant seeking following reliefs:

(a) Direct the respondents to regularise the services of the applicant in Group 'D' Post.

(K)

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(b) Direct the respondents to grant temporary status from the date of completion of 240 days.

2. The respondents have filed written reply. The respondents submits that the applicant had been engaged purely on casual basis on daily wages from 1.1.1989 in various spells till February 1998. The applicant has also remained absent for long periods. Therefore the question of allowing the benefit in term of the scheme framed by the respondents does not arise.

3. The applicant has filed no rejoinder reply. Heard arguments of Shri S.P.Inamdar counsel for the applicant and Shri S.S.Karkera for Shri P.M.Pradhan counsel for the respondents.

4. Both the counsel brought out that similar issue involving the question of regularisation on the same facts has been recently decided in OA 991/98 on 22.7.1999 and submitted that similar reliefs can be granted in this case also. The learned counsel for the applicant further brought out that the order dated 22.7.1999 is based on letter dated 10.5.1999 issued by the Assistant General Manager, Western Telecom Projects Bombay, which includes the applicant alongwith the applicant in OA 991/98.

5. I have gone through the order dated 22.7.1999 and find that the facts in this OA are similar to that of the present OA. I am in respectful agreement with what is held in OA 991/98 and of the view that the present OA can be allowed with the similar directions indicated in para 6 of the order dated 22.7.1999.



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6. In the result OA is allowed with the similar directions as indicated in para 6 of the order dated 22.7.1999 on the ^{based} facts of the present OA as under:

(1) The respondents should consider the claim of the applicant for grant of temporary status in pursuance of the letter dated 10.5.1999 mentioned above. If the ~~applicant~~ ^{appellant} ~~is concerned with the temporary status~~ ^{is concerned with the temporary status} Department should consider his claim for regularisation, subject of course to his seniority, availability of vacancies, suitability etc. for Group 'D'.

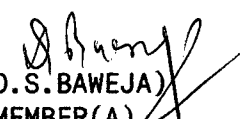
(2) Pending consideration of the directions given in para 1 above, the respondents can engage the applicant on casual basis ~~either~~ as a casual labour ^{or} ~~on casual basis~~ if there is vacancy and without going to open market and continue the same subject to availability of work.

(3) It is needless to say, that if any adverse order is passed by the administration, the applicant can challenge the same according to law.

(4) All contentions on merits are left open and this order is passed without prejudice to the contentions of the rival parties.

(5) Since the applicant's case is of 1989, the respondents should pass early orders in pursuance of the letter dated 20.5.1999 and preferably within a period of three months from the date of receipt of a copy of this order.

(6) No order as to costs."


(D.S. BAWEJA)
MEMBER(A)