

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH MUMBAI

ORIGINAL APPLICATION NO:950/99

DATE OF DECISION: 3rd August 2000

Shri Jakir Hasan Mulia Applicant.

Shri S.P. Inamdar. Advocate for
Applicant.

Versus

Union of India and others Respondents.

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

CORAM

Hon'ble Shri S.L.Jain, Member (J)

(1) To be referred to the Reporter or not? no

(2) Whether it needs to be circulated to no other Benches of the Tribunal?

(3) Library. yes

S.L.JAIN
(S.L.JAIN)
Member (J)

NS

CENTRAL ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH, MUMBAI

ORIGINAL APPLICATION NO:950/99

the 3rd day of AUGUST 2000

CORAM: Hon'ble Shri S.L. Jain, Member(J)

Jakir Hasan Mulka
P & T Colony C-11/122
Gultekadi, Market Yard,
Pune. ...Applicant.

By Advocate Shri S.P. Inamdar.

V/s

1. Union of India through
The Chief General Manager,
Telecom Project, Phoenix Mills
Compound, Senapati Marg.,
Lower Parel, Mumbai.
2. The Divisional Engineer Telecom
Microwave Project,
681 - 690, Beej Bhavan,
Market Yard, Pune.
3. The Sub-Divisional Engineer
Microwave Project,
681 - 690 Beej Bhavan,
Market Yard, Pune. ...Respondents.

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

O R D E R
{Per Shri S.L.Jain, Member(J)}

This is an application under Section 19 of the Administrative Tribunals Act 1985 for regularisation of the applicant in the department of Telecommunication and confirming temporary status, a direction to take applicant on duty along with a direction to grant temporary status in the year 1996 immediately from the date of his completion of 240 days as casual labour in the department with all consequential benefits as per claim.

JLJ

2. On perusal of the written statement I find that the respondents had admitted that the applicant has worked in the department since December 1995 and worked for 31 days in the said year, in 1996 he has worked for 90 days - in February for 29 days, for 30 days in the month of April and 31 days in December, in 1997 he worked for 185 days - March, May, June and July, in 1998 he worked for 182 days - January, February, May, June and October.

3. The applicant claims that he had joined as Watchman at Kikvee, Pune on 20.11.1995 and worked upto 29.2.1996. Afterwards his services were utilised in the office of the Sub- Divisional Engineer, Microwave, Beej Bhavan, Pune from 1st March 1996 to the end of November 1996. His services were utilised in the office of the Divisional Engineer, Telecom, Microwave Project 681 - 690, Beej Bhavan, Pune. He had worked there till 24.7.1999. He claims that his services were orally terminated with effect from 25.7.1999.

4. The respondents have resisted the claim of the applicant on the ground that there is no cause of action in favour of the applicant. He has not exhausted the remedy as contemplated by the provisions of the Rule and also disputed the continuous working of the applicant. The respondents alleged that the applicant never returned for duty after having taken the payment for March - October 1998. There is no question of service being terminated in any manner as the applicant was not attending the duty.

5. The applicant has represented the matter vide representation dated 2.7.1999 followed by the reminder dated 31.7.1999 (Annexure A - 5 and A - 6). The respondents have filed reply.

MSW -

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6. When actual working of the applicant is disputed by the respondents, the representation of the applicant is pending, the respondents are ordered to decide the representation of the applicant within three months from the date of receipt of the order and provide the work ^{to} ~~of~~ the applicant if available. With these directions the OA is disposed of with no order as to costs.

S.L.JAIN
(S.L.JAIN)
Member(J)

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