

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO.991/98

Date of Decision : 22.7.1999

A.M.Lokhande

Applicant

Mr.S.P.Inamdar

Advocate for
Applicant.

Versus

Union of India & Ors.

Respondent(s)

Mr.S.S.Karkera for Mr.P.M.Pratha

Advocate for
Respondent(s)

CORAM :

Hon'ble Shri Justice R.G.Vaidyanatha, Vice - Chairman.

(1) To be referred to the Reporter or not? *wave*

(2) Whether it needs to be circulated to *wave*
other Benches of the Tribunal?

R.G.Vaidyanatha
(R.G.VAIDYANATHA)
VICE-CHAIRMAN

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
MUMBAI BENCH, MUMBAI.

ORIGINAL APPLICATION NO. 991/98.

Thursday, this the 22nd day of July, 1999.

Coram: Hon'ble Shri Justice R.G.Vaidyanatha, Vice-Chairman,
A.M.Lokhande,
C/o. Vijay Shinde,
Flat No.18,
VidyaSagar Colony,
Market Yard,
Pune - 411 037.
(By Advocate Mr.S.P.Inamdar) ...Applicant.

Vs.

1. Union of India through
The Chief General Manager,
Telecom Project,
Phoenix Mill Compound,
Senapati Bapat Marg,
Lower Parel,
Mumbai - 400 013.
2. Divisional Engineer Telecom,
Microwave Project,
Beej Bhavan 681-690,
Market Yard,
Pune - 411 037.
3. The Sub Divisional Engineer,
Microwave Project,
Beej Bhavan 681-690,
Market Yard,
Pune - 411 037.

(By Advocate Mr.S.S.Karkera
for Mr.P.M.Pradhan). ...Respondents.

: O R D E R : (ORAL)

(Per Shri Justice R.G.Vaidyanatha, Vice-Chairman)

This is an application filed by the applicant seeking regularisation of his services in a Group 'D' post in the Telecom Department and for consequential reliefs. I have heard the learned counsels appearing on both sides. Since the point involved is a short point, the OA is being disposed of at the admission stage.

...2.



2. The applicant's case is that he has been working as a Casual Labour in the Telecom Department from November, 1988 till the filing of the present OA. According to him his services came to be terminated by a oral order on 14.12.1998 during the pendency of the OA. His case is that since he has completed about 10 years of service as a Casual Labour he is entitled to be granted temporary status and then for regularisation as per the scheme of the Telecom Department. He has also contended that he holds a Driving Licence and he has worked as a Driver for many years.

3. In the reply, it is not admitted that applicant has worked as a Casual Labour for 10 years. However, it is admitted that the applicant has been engaged as a Labourer on contract basis for some time. It is not admitted that the applicant fulfils all the terms and conditions of the regularisation scheme. It is also not admitted that the applicant is entitled for grant of temporary status. It is therefore, stated that the applicant is not entitled to any of the reliefs prayed for.

4. During the pendency of the O.A. applicant filed an M.P. viz. M.P.No.134/99 and prayed for interim relief. The respondents' counsel made a submission that whenever there is vacancy, the applicant will be engaged without going to open market. In view of this statement made on behalf of the respondents no further order was passed (vide order sheet dt.22.4.1999).

5. The applicant has produced number of documents to show that he has been working since 1988. However, I need not go to

the merits of the case in view of the subsequent development which is brought to my notice.

Both counsels admitted that the Department has now taken steps to verify the service particulars of the applicant and then to grant temporary status provided he comes within the parameters of the scheme. The counsel for the applicant has produced a letter dt.10.05.1999 which is taken on record. The said letter is written by the Assistant General Manager (Administration), Office of the Chief General Manager, Western Telecom Projects to The Director (TP) W.M.A., Mumbai and the subject of the letter is Grant of temporary status to Casual Labours recruited between 23.6.1988 to 1.8.1998. Names of two Casual Labours are given including name of the applicant. Then the Officer has been asked to verify the service particulars of these two persons including the applicant so that necessary steps can be taken to confer temporary status. Since the department has started the process of collecting particulars in order to confer temporary status on the applicant, no further direction need be given at this stage. If ultimately the department confers temporary status and consequently confirms the applicant nothing further need to be done. However, if the department ultimately rejects the claim of the applicant either for grant of temporary status or regularisation or both, then the applicant can take necessary legal steps to get relief. Hence, without going to the rival contentions, I feel that the OA can be disposed of at the admission stage. I also feel that an order in the terms of the interim order dt. 22.4.1999 should be continued.

6. In the result, the application is disposed of at the admission stage as follows :

- (1) The respondents should consider the claim of the applicant for grant of temporary status in pursuance of the letter dt. 10.5.1999 mentioned above. If the applicant is conferred with temporary status then the Department should consider his claim for regularisation, subject of course to his seniority, availability of vacancies, suitability etc. In such a case, the applicant can be considered for regularisation either for a Group 'D' post or a Driver.
- (2) Pending consideration of the directions given in para 6 above, the respondents can engage the applicant on Casual basis either as a Casual Labour or as a Driver 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 1988, the respondents should pass early orders in pursuance of the letter dt. 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.


(R.G. VAIDYANATHA)
VICE-CHAIRMAN.