

CENTRAL ADMINISTRATIVE TRIBUNAL  
JAIPUR BENCH, JAIPUR

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ORDER SHEET

ORDERS OF THE TRIBUNAL

30.5.2011

TA 4/2011 (CWP 1738/2003)

None present for applicant.  
Mr.B.K.Pareek, proxy counsel for  
Mr.T.P.Sharma, counsel for respondents.

Heard learned proxy counsel for the respondents.  
The TA stands disposed of, by a separate order.

*K.S.Rathore*  
(Justice K.S.Rathore)  
Member (J)

*vk*

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,  
JAIPUR BENCH,  
JAIPUR.

*Jaipur, the 30<sup>th</sup> day of May, 2011*

**TRANSFERRED APPLICATION No.4/2011**

**[ CWP 1738/2003]**

CORAM :

HON'BLE MR.JUSTICE K.S.RATHORE, JUDICIAL MEMBER

Mukesh Kumar  
S/o Shri Ramesh Chand,  
R/o in front of Palrecha Polish Factory,  
Patan Road,  
Jhalawar.

... Applicant

(By Advocate : None)

Versus

1. Bharat Sanchar Nigam Limited,  
New Delhi.
2. Chief General Manager Telecom,  
Rajasthan Circle,  
Bharat Sanchar Nigam Limited,  
M.I.Road,  
Jaipur.
3. General Manager Telecommunication,  
Bharat Sanchar Nigam Limited,  
Road No.2, Indraprasth Area,  
Kota.
4. Addl.General Manager Telecommunication,  
Mama Bhanja Chauraha,  
Civil Lines,  
Jhalawar.

... Respondents

(By Advocate : Shri B.K.Pareek, proxy counsel for  
Shri T.P.Sharma)

**ORDER (ORAL)**

The applicant had preferred a writ petition, which was registered before the Hon'ble High Court of Rajasthan, Jaipur Bench, as S.B.Civil Writ Petition No.1738/2003, and the same has been transferred to this Tribunal for consideration.

2. The short controversy involved in this case is that the applicant was engaged as a part-time Safaiwala, but against a regular post duly sanctioned by the competent authority. The applicant seeks regularisation and to this effect also represented before the respondents and ultimately served a notice for demand of justice through Advocate vide Ann.5.

3. The respondents have denied the grievance raised by the applicant on the ground that services of the applicant were utilized as a part-time Staff for the time being as and when the services of the applicant were required to meet out the urgent temporary work. It is, however, not disputed that vide order dated 15.2.2002 (Ann.4) in accordance with the orders contained in the DOT, New Delhi, letter dated 25.8.2000, as per approval of the DOT, conveyed vide CGMT Jaipur vide letters dated 1.2.2001 and 13.7.2001, the General Manager Telecommunications, District Kota, has converted a few part-time casual mazdoors working for less than three hours per day into full-time casual mazdoors with immediate effect. For taking advantage of the said order dated 15.2.2002 (Ann.4), the applicant has filed this TA praying for the grant of similar relief to him also.

4. Be that as it may, the applicant has not been regularized by the respondents but as per the settled preposition of law, right of consideration is there. I, without going into the merit of the case, deem it proper to direct the respondents to consider the case of the applicant whether he is entitled to be regularized as a full-time casual mazdoor or not and shall pass a speaking order in this regard.



5. With these observations, the TA stands disposed of. No order as to costs.



(Justice K.S.Rathore)  
Member (J)

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