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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

OA No. 449/1997

Date of order: 07.12.1998

Babu Lal Saini S/o Shri Prasad Ram Saini age 33 years, resident of Dhani Baghsingh, Panna Ka Kua, via Post Gwala, District Sikar.

.. Applicant

Versus

1. The Union of India through Secretary, Telecommunication, Government of India, Sanchar Bhawan, New Delhi.
2. The General Manager, T.C. (E), Office of the CGMT, Jaipur
3. The Telecom District Engineer, Sikar.
4. The Sub-Divisional Officer (SDO), Phones, District Sikar.

.. Respondents

Mr. P.V.Calla, counsel for the applicant

Mr. M.Rafiq, counsel for the respondents

CORAM:

Hon'ble Mr. Ratan Prakash, Judicial Member

ORDER

Per Hon'ble Mr. Ratan Prakash, Judicial Member

Applicant herein Shri Babu Lal Saini has approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1985, to seek an appropriate direction against the respondents to confer upon him temporary status from the date he became eligible, treating him to be an appointee of 3.10.1983 with a further direction to make him regular employee and pay regular pay scale with all consequential benefits.

2. This OA has been opposed by the respondents by filing a written reply to which no rejoinder has been filed. I heard the learned counsel for the parties and have perused the record in great detail.



3. The grievance of the applicant is that after a direction of the Tribunal in OA No. 281/88 (which was disposed of vide order) dated 11.1.1994 alongwith four other original applications filed by the similarly situated employees and disposed of by a common judgment; to the following effect:

"2. In the facts and circumstances, it is directed that the applicant should be re-instated immediately and if any delay is caused in the matter of re-instatement, the applicant shall be entitled for the back wages of the period of delay exceeding 15 days.

3. As far as back wages is concerned, the applicant shall not be entitled. He shall be entitled to maintain the notional continuity and seniority in the list of casual labourers but the persons promoted or given benefits shall not be adversely affected. In future, on the basis of his notional seniority and pay, the benefits which may be available should be allowed to the applicant as per rules."

the respondents though conferred temporary status upon him vide order dated 11/12.10.1995 (Ann.A3) w.e.f. 20.1.1995; yet subsequently put it in abeyance till further orders vide order Ann.A10. It has also been averred by the applicant that though one of the similarly situated employee Shri Govind Ram has been granted regular pay scale in the grade of 750-12-870-EB-14-940 vide Ann.All dated 10th June, 97 still the respondents have not taken any decision with regard to the applicant and have now come with the stand that the matter is pending consideration before the Chief General Manager, Telecom.

4. From a perusal of the reply given by the respondents, it is made out that the respondents have referred the matter of the applicant to the Chief General Manager, Telecom vide their communication dated 9.4.1997, which has also been followed by reminders dated 6.8.97 and 27.8.97 yet no decision has been received by them so far. The respondents, however, urge that because of this

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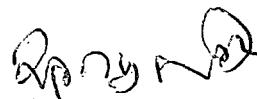
status, at this stage, the application filed by the applicant is premature. The respondents have also taken a number of stands in their reply.

5. During arguments, the learned counsel for the respondents stated that besides the matter of the applicant Shri Babu Lal Saini, matters of other two similarly situated persons Shri Jeewan Ram and Shri Rekha Ram (whose OAs were also disposed of by the above referred common decision dated 11.1.1994) have also been referred to the Director, Telecommunication and they are awaiting the result thereof.

6. It has been urged by the learned counsel for the applicant that though temporary status was conferred by the competent authority, however, without any due opportunity and notice to the applicant, it has been withdrawn after two months as alleged in the OA. He, therefore, seeks a direction at this stage to restore the temporary status of the applicant atleast which was originally conferred upon him vide order dated 10/12.10.95 (Ann.A3).

7. In view of facts as broughtforth so far, the respondents are directed to take a decision in the matter finally within two months from the date of communication of a copy of this order in respect of the applicant in consonance with the directions given by this Tribunal vide order dated 11.1.1994 and also rules/schemes in force and communicate the result to the applicant forthwith.

8. The OA stands disposed of accordingly with no order as to costs.



(Ratan Prakash)

Judicial Member