

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

OA No. 389/98

DATE OF ORDER : 12.4.2002

Mahesh Chand Jangam son of Shri Ram Swaroop Jangam (Patwa) resident of Sita Colony near Ja Ki Sarai, Hindaun City, District Sawaimadhopur.

....Applicant.

VERSUS

1. Union of India through Secretary, Govt. of India, Department of Telecom, Ministry of Communication, New Delhi.
2. Sub Divisional Officer (Telegraph), Hindaun City, District Sawaimadhopur.
3. Telegraph Divisional Manager, Deptt. of Telecom, Sawaimadhopur.

....Respondents.

Mr. D.K. Pujari, Counsel for the applicant.

Mr. Bhanwar Bagri, Counsel for the respondents.

CORAM

Hon'ble Mr. A.P. Nagrath, Member (Administrative)

Hon'ble Mr. J.K. Kaushik, Member (Judicial)

ORDER

PER HON'BLE MR. A.P. NAGRATH, MEMBER (ADMINISTRATIVE)

Applicant was engaged as Vehicle Driver on daily wages. His services were terminated. He raised the dispute which went for consideration before the Single Bench of the Hon'ble High Court in Writ Petition No. 5071/96. In the decision dated 6.3.1998, it was made clear that the Petitioner's department was free to terminate the service of the respondent petitioner i.e. applicant in this OA, if the same are not required. After completing the due process of law, vide order dated 27.10.1998, the notice was served upon

him indicating the reasons, why his service are no more required and are to be terminated. Aggrieved with this, he filed this OA. By order dated 13.11.1998, this Tribunal had stayed the operation of the impugned order. The applicant has been continuing since under this stay order.

2. The learned counsel for the applicant submits before us that the Department is trying to terminate the services of the applicant without following the provisions of rules and despite the work being available. The learned counsel for the respondents, Shri Bhanwar Bagri, submits that there is no requirement of the services of the Vehicle Driver to the Department and that the services of the applicant have rightly been terminated. During the arguments, nothing was brought to our notice by the learned counsel for the applicant as to which rules of the department relating to termination of the services of Casual Group 'C' staff are being violated in this case. The applicant has failed to make out any case for continuing as Casual Driver.

3. However, we find that applicant was initially appointed on 31.10.1988 as a Driver and continued as such till 20.6.1989 on daily wages. By order dated 1.5.1998 of the Central Industrial Tribunal, he was taken back with full back wages. Now his position is that he is in the employment of the Department right from that date, though he had continued beyond 13.11.98 by virtue of the stay order granted by us. This is a Scheme applicable to the Casual Labourers of respondents department, where a casual labour can be granted temporary status and regularisation in Group 'D.' This Scheme came into force w.e.f. 1.10.1989. In view of the provisions of this Scheme, we find the case of the present applicant can be considered for grant of temporary status by the department in case the applicant makes a representation to the department, to that effect.

4. In view of the peculiar facts & circumstances of this case, we dismiss this OA. We, however, direct the respondents to consider the representation, if submitted by the applicant, within a period of one month from the date of

receipt of a copy of this order for grant of temporary status under the Scheme title 'Casual Labourers (Grant of Temporary Status and Regulations) Scheme', which had come into force w.e.f. 1.10.1989. The respondents shall decide his representation within a period of four months from the date of receipt of the representation. Till the date of decision on the representation, the stay order shall continue to operate. No order as to costs.

J.K. KAUSHIK  
(J.K. KAUSHIK)

MEMBER (J)

A.P. NAGRATH  
(A.P. NAGRATH)

MEMBER (A)