

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR.

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Date of Decision: 11.9.2003

OA 563/99 with MA 384/99

Suresh Kumar Meena s/o Shri Bajrang Lal Meena r/o Village & Post Khatehpura, Tehsil & District Jhunjhunu.

... Applicant

Versus

1. Union of India through Secretary, Department of Telecommunication, New Delhi.
2. Chief General Manager, Telecommunications, Sardar Patel Marg, C-Scheme, Jaipur.
3. Telecom District Manager, Telecommunication Department, Kisan Colony, Jhunjhunu.

... Respondents

CORAM:

HON'BLE MR.M.L.CHAUHAN, JUDICIAL MEMBER

HON'BLE MR.A.K.BHANDARI, ADMINISTRATIVE MEMBER

For the Applicant

... Mr.Arun Sharma, proxy counsel
for Mr.Pranlad Singh

For the Respondents

... Ms.Shalini Sheoran, proxy
counsel for Mr.Bhanwar Bagri

O R D E R (ORAL)

The applicant, who is at present working as Driver with the respondents on daily wage basis, has filed the present OA thereby praying for the following reliefs :

- "i) Declare the action of the respondents in not conferring temporary status of the post of Driver and not regularising the service of the post of Driver as illegal arbitrary and unreasonable and violative of Articles 14 & 16 of the Constitution of India.
- ii) Declare the communication dated 27.2.97 (wrongly mentioned as 27.2.96) as illegal and arbitrary and quash and set aside the same.
- iii) Direct the respondents to confer temporary status upon the applicant on the post of Driver and give him all the benefits of the said post which are available to a temporary employee and then declare him permanent also and regularise his service on the post of Driver with all consequential benefits.
- iv) Direct the respondents to pay to the applicant salary in the regular pay scale of the post of Driver i.e. Rs.3075-75-3950-80-4590 w.e.f. 1.1.96 and corresponding pay scale for the period prior to 1.1.96 from the date of his initial appointment with arrears through and interest @ 24% per annum."

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2. Notice of this OA was issued to the respondents. In their reply, the respondents have stated that the applicant was engaged as daily wage Driver and as such Casual Labour (Grant of Temporary Status & Regularisation) Scheme, 1989 is not applicable in his case and the same is applicable only to the Casual Mandors. It is further averred that the applicant is not entitled to temporary status as well as regularisation pursuant to the said scheme. It is further stated that the case of the applicant is covered under Government of India order dated 10.9.91 (Ann.R/1), which stipulates as under :

- "1) Against the 50% quota of vacancies meant for outsiders, recruitment of drivers may be made only from amongst those drivers already appointed in the department on casual basis before 1.4.85, failing which recruitment may be made from amongst the casual labourers of temporary status doing the job of drivers. Subject to fitness, the recruitment may be made in order of seniority based on the length of service as casual driver/casual labour (engaged as drivers).
- 2) The casual driver/casual labourers engaged as drivers may be given age relaxation to the extent of the service rendered by them as casual drivers."

Since the applicant was engaged after 1.4.85, as such he is also not covered by the said circular. Under these circumstances, it has been prayed that the OA filed by the applicant may be dismissed.

3. We have heard the learned counsel for the parties. During the course of hearing, the learned counsel for the applicant has brought to our notice the letter No.16-7/99-NCG dated 12.6.2000, in which, in para-2, it has been clarified that the departmental candidates including casual Motor Driver (non TSM) may be considered for recruitment against direct quota, subject to the condition that they fulfil all other conditions like age, qualification etc. prescribed in recruitment rules of Driver, 1999 for outside candidates. Copy of the said letter dated 12.6.2000 is taken on record. The learned counsel for the applicant submits that he will be satisfied if a direction is given to the respondents to consider applicant's case against direct quota as and when vacancy of driver is advertised and filled in by the respondents, subject to the condition as stipulated in para-2 of the letter dated 12.6.2000, as mentioned above.

4. In view of what has been stated above, the present OA is disposed of with the direction to the respondents that as and when the vacancy of driver is filled in by them, the applicant shall be given the benefit of age and qualification etc. in terms of the letter dated 12.6.2000, as

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mentioned above. With these observations, the present OA and the MA are disposed of with no order as to costs.

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(A.K.BHANDARI)

MEMBER (A)

Chauhan
(M.L.CHAUHAN)
MEMBER (J)