

CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

261 of 1998

13.3.2000
DATE OF DECISION.....

Smt Tripta Das

PETITIONER(S)

Mr M. Chanda and Ms N.D. Goswami

ADVOCATE FOR THE
PETITIONER(S)

-VERSUS-

The Union of India and others

RESPONDENT(S)

Mr A. Deb Roy, Sr. C.G.S.C.

ADVOCATE FOR THE
RESPONDENT(S)

THE HON'BLE MR G.L. SANGLYINE, ADMINISTRATIVE MEMBER

THE HON'BLE MRS LAKSHMI SWAMINATHAN, JUDICIAL MEMBER

1. Whether Reporters of local papers may be allowed to see the judgment ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the judgment ?
4. Whether the Judgment is to be circulated to the other Benches ?

Judgment delivered by Hon'ble Judicial Member

Snehal

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
GUWAHATI BENCH

Original Application No.261 of 1998

Date of decision: This the 13th day of March 2000

The Hon'ble Mr G.L. Sanglyine, Administrative Member

The Hon'ble Mrs Lakshmi Swaminathan, Judicial Member

Smt Tripti Das,
Resident of Udalbakra, Rodalipath,
P.O.- Udalbakra, P.S. Dispur,
Distt. Kamrup.

...Applicant

By Advocates Mr M. Chanda and Ms N.D. Goswami.

-versus-

1. The Union of India, through the
Secretary to the Government of India,
Telecom Department,
New Delhi.

2. The District Telecom Manager,
Guwahati.

3. The S.D.O. Phones (East),
Guwahati.

...Respondents

By Advocate Mr A. Deb Roy, Sr. C.G.S.C.

.....

O R D E R (ORAL)

MRS L. SWAMINATHAN, MEMBER(J)

The applicant is aggrieved by the order passed by the respondents dated 7.10.1997.

2. The aforesaid impugned order has been passed by the respondents pursuant to the directions of the Tribunal in O.A.No.217 of 1994, decided on 2.5.1997. The facts pertaining to the applicant have been mentioned in that O.A. and it will, therefore, not be necessary to repeat the same here.

3. After considering the rival contentions of the parties, the earlier application filed by the applicant was

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disposed of as follows:

"Considering all the aspects of the matter we have no hesitation to come to the conclusion that the applicant was a casual labour.

"In view of the above, we dispose of the application with a direction to the respondents to consider the case of the applicant, if she fulfils the requirement as indicated above she shall be given temporary status and thereafter her services shall be regularised strictly in accordance with the scheme. These must be done as early as possible within a period of 3 months from the date of receipt of the copy of this order."

The respondents have apparently not filed any appeal against the aforesaid order of the Tribunal and hence the order has become final and binding.

4. In view of the above the stand taken by the respondents in the impugned order dated 7.10.1997 cannot be accepted and is accordingly rejected.

5. Taking into account the facts and circumstances of the case and the reasons given in the Tribunal's order dated 2.5.1997, with which we respectfully agree, we reiterate the above order and make it clear that the scheme prepared by the respondents under the heading of "Casual labourers (Grant of Temporary Status and Regularisation) Scheme, 1989, would be fully applicable to the services of the applicant as casual labourer with effect from 1.2.1991. Accordingly, the respondents are given further two months to fully comply with the directions of the Tribunal in O.A.No.217/94.

6. Mr M. Chanda, learned counsel for the applicant, has submitted that in the meantime the respondents have also engaged and continuing to employ certain juniors to the applicant as mentioned in the O.A. We make it clear that if work of a casual nature is available with the respondents, the applicant shall have a prior claim for engagement as a casual labourer over her juniors and outsiders.

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7. The O.A. is disposed of in terms of the above order.
No order as to costs.

Lakshmi
(MRS LAKSHMI SWAMINATHAN)

JUDICIAL MEMBER

Sangline
(G. L. SANGLINE)

ADMINISTRATIVE MEMBER

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