

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 179 of 2001

Jabalpur, this the 26th day of March, 2004

Hon'ble Mr. M.P.Singh, Vice Chairman
Hon'ble Mr. Madan Mohan, Judicial Member

1. Shri Raj Kumar S/o Shri Mali Jharia, aged about 38 years.
2. Shri Dashrath S/o Shri Phusia, aged 29 years,
3. Shri Ram Singh, S/o Shri Dabbal Singh, aged about 35 years.
4. Shri Tarvar Singh, S/o Shri Lakhon Singh, aged about 36 years,
5. Shri Munna Singh, aged about Shri Dadu Bir, aged about 34 years,
6. Shri Ramai Lal, S/o Shri Gulab Prasad, aged about 31 years,
7. Shri Lakhon Lal, S/o Shri Gulab Prasad, aged about 34 years,
8. Shri Dhanesh Kumar, S/o Shri Jogeshwar Prasad, aged about 38 years,
9. Shri Hanumant Lal, S/o Shri Darbari Lal aged about 39 years,
10. Shri Abdul Rashid, S/o Shri Sheikh Shakur aged about 38 years,
11. Shri Laxmi Prasad, S/o Shri Ram Kumar, aged about 38 years,
12. Shri Khubbilal, S/o Shri Gulab Prasad, aged about 34 years,
13. Shri Ramswaroop S/o Shri Gulab Prasad, aged about 26 years,

Applicants No.1 to 13 C/o Shri Lakhandas Sharma, O/o SDO Phones-II Madan Mahal, Jabalpur(MP).

APPLICANTS

(By Advocate - Smt. S.Menon alongwith Shri S.P. Rai)

VERSUS

1. Union of India, through Secretary, Ministry of Communications, Sanchar Bhawan, New Delhi.
2. The Chief General Manager Telecom, M.P. Telecom Circle, P&T Bhawan, Hoshangabad Road, Bhopal(MP)

RESPONDENTS

(By Advocate - Shri P.Shankaran)



O R D E R (ORAL)

By M.P. Singh, Vice Chairman -

By filing this OA, the applicant has sought the following main reliefs :-

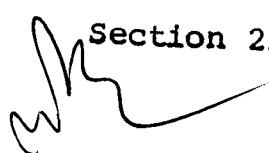
"(i) Grant the reliefs in terms of the order dated 28.8.1995 passed in OA No.411 of 1990 (Dhaniram Tiwari & Ors. Vs. Union of India & Ors) and Other connected matters by holding the termination as ab initio void and be further pleased to direct the respondents to reinstate the applicants with all consequential and ancillary service benefits and also to consider them for regularisation."

2. The brief facts of the case are that the applicant 13 in number were engaged as Casual Labourers in the Telecom Department. The services of the applicants were dispensed with from different dates as no work was available with the respondents. Aggrieved by this the applicants have filed this OA claiming the aforesaid reliefs.

3. Heard the learned counsel for the parties.

4. The learned counsel for the applicants submitted that since the applicants have worked during the period 1989 for more than 240 days(as per chart annexed by them) they are eligible for regularisation under the scheme of 'Casual Labourers(Grant of the Temporary Status and Regularisation) Scheme of the Department of Telecom 1989'.

5. On the other hand the learned counsel for the respondents stated that the OA is not maintainable. He has drawn our attention to para 4.12, 4.13 and 4.14 of the OA, wherein the applicants themselves have stated that the provisions of the Industrial Disputes Act, Sections 25F and 25N are applicable in their cases. He has also submitted that this Tribunal has no jurisdiction to consider the case of the applicants under Section 25F and 25N of the Industrial Disputes Act. To get relief under Section 25F and 25N of the Industrial Dispute Act, they have



to approach different forum like Assistant Labour Commisser and Ministry of Labour etc.

5. We have very carefully considered the rival contentions advanced by the parties. We are of the considered view that since the applicants have claimed for ¹ aforesaid reliefs by placing reliance under Section 25F and 25N of the Industrial Disputes Act, this Tribunal has no jurisdiction to consider the claim of the applicants. The OA is not maintainable. Accordingly, the same is dismissed for want of jurisdiction. No costs.

(Madan Mohan)
Judicial Member

B. P. Singh
(M.P. Singh)
Vice Chairman

SKM

पृष्ठांकन सं. अ/स/स्वा..... लखनपुर, दि.....
 दलितिपि विद्यालय
 (1) रमेश राज शर्मा द्वारा दिया गया, लखनपुर
 (2) अद्यता उपर्याप्ति के लिये द्वारा दिया गया
 (3) सुदूरपश्चिमी राज्य के लिये द्वारा दिया गया
 (4) उत्तरपश्चिमी राज्य के लिये द्वारा दिया गया
 सूचना द्वारा आवश्यक कार्यालयी देते
 Smt. S. Mehta
 P. Shankarao.
 B. B. B.
 दिप सिंहद्वारा २७५/८५