

CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH, JABALPUR

Original Application No. 1104 of 2000

Jabalpur, this the 11th day of May, 2004

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

1. Rajaram Sahu, s/o. Shri O.P. Sahu, aged years, O/o. the Unit General Manager, TD Jabalpur (MP).
2. Ajay Kumar, S/o. Shri Daboliram, O/o the Unit General Manager, T D, Jabalpur (MP).

... Applicants

(By Advocate - Shri S. Paul)

V e r s u s

1. Union of India, through its Secretary, Ministry of Telecommunications, New Delhi.
2. The Chief General Manager (Telecommunications), M.P. Circle, Bhopal (MP).
3. The General Manager, Bharat Sanchar Nigam Limited, Govt. of India undertaking, Telecommunication Deptt. Jabalpur (MP).
4. The Divisional Engineer, Telecommunications (Administration) BSNL, Jabalpur (MP).

... Respondents

(By Advocate - Shri B.da.Silva)

O R D E R (Oral)

By M.P. Singh, Vice Chairman -

Heard the learned counsel for the parties.

2. By filing this Original Application the applicants have claimed the following main reliefs :

"i) to quash the impugned order Annexure A-6 holding the same to be per se illegal.

ii) direction to the respondents to continue the applicants on the Group-D post in the pay scale of Rs. 2550-3200/- with a further direction to grant seniority from the respective dates and the arrears of pay as due.

iv) in alternative direct the respondents to regularise the applicants from the date juniors of the applicants name mentioned in the order dated 31.1.2001 Annexure A-9 have been regularised with all consequential benefit."

W/K

3. The brief facts of the case are that the applicants were engaged as Casual Labourers in the year 1985 i.e. much before the cut off date 22nd June, 1988. The applicants were disengaged in the year 1990. Thereafter the applicants have filed OA No. 463/1990 alongwith OA No. 411/1990. The Tribunal vide common judgment, in the aforesaid OAs, dated 28.8.1995 has passed the following order :

"32. For the reasons stated above, the petitions are partly allowed, and it is directed that in cases where appointments are made prior to 22.6.1988, such employees shall be regularise and in cases where appointments are made after 22.6.1988 and termination orders have been passed without payment of retrenchment compensation, the orders of termination are quashed. There shall be no order as to costs."

In pursuance of this the applicants were reinstated vide order dated 9th May, 2000. Thereafter they were regularised vide order dated 31st October, 2000 (Annexure A-5). But immediately on 27.11.2000 the order regularising the applicants vide order dated 31st October, 2000 was cancelled. The learned counsel for the applicants has drawn our attention towards the letter dated 31st January, 2001 (Annexure A-9). He has submitted that in this list certain Casual Labourers who were even engaged in the year 1997 and 1998 have been regularised with effect from 1st October, 2000. According to the learned counsel for the applicants these persons are much junior to the applicants, as the applicants were initially engaged in the year 1985 and the persons in the serial Nos. 50 & 51 in the aforesaid letter dated 31st January, 2001 were engaged in the years 1998 and 1997 respectively. He has therefore submitted that the case of the applicants should be considered by the respondents by granting them regularisation with reference

to their juniors whose names appear in the letter dated 31st January, 2001.

4. In the circumstances, we feel that ends of justice would be met if we direct the applicants to make a detailed representation to the respondents within a period of 4 weeks from the date of receipt of copy of this order. We do so accordingly. If the applicants comply with this, the respondents are directed to consider their representation and also examine the issue with reference to any Casual Labour who has been engaged subsequent to the applicants and take a decision by passing a speaking, detailed and reasoned order, within three months from the date of receipt of such representation. If it is found that the juniors of the applicants have been regularised, then the applicants be also considered for regularisation from the date the immediate junior has been considered and regularised, and if found eligible/suitable grant them all consequential benefits.

5. Accordingly, the Original Application is disposed of.
No costs.

(Madan Mohan)
Judicial Member

(M. P. Singh)
Vice Chairman

"SA"

पृष्ठांकन सं ओ/ज्या.....जबलपुर, दि.....

परिलिखित अन्वेषितः—

(1) सचिव, राज्य - जल संयंत्र प्रकल्प विभाग, जयपुर

(2) आदेश जारी करने वाले का पता: काउंसिल S. Paul

(3) काउंसल

ग्रंथपाल, लोखडा, गजपुर तथा यमीठ

सूचना एवं आवश्यक कार्यवाही हेतु

उप रक्षित