

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.310/2000

Monday this the 22nd day of May, 2000

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. G. RAMAKRISHNAN, ADMINISTRATIVE MEMBER

P.A. Shaji S/o Aravindakshan
aged 38 years, Group D
Office of Sub Divisional Engineer,
OFS Installations,
Palarivattom Telephone Exchange
Building, Palarivattom,
Kochi.25 residing at
Padathara Hoiuse,
Udhaya Road, Thykoodam,
Vytilla.

...Applicant

(By Advocate Mr. R. Sreeraj)

Vs.

1. Union of India, represented by its
Secretary to Government of India,
Department of Telecommunications,
New Delhi.
2. The Chief General Manager,
Telecom Kerala Circle,
Trivandrum.
3. The Principal General Manager,
Telecom District, Ernakulam,
Kochi.31.
4. The Sub Divisional Engineer,
(Administration), Office of
the Principal General Manager,
Telecom, Kochi.31.
5. The Divisional Engineer,
Maintenance, Ernakulam,
Kochi.11.

...Respondents

(By Advocate Mr. T.A. Unnikrishnan)

The application having been heard on 22.5.2000, the
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The applicant who commenced his service as a
Casual Labourer from 1.7.81 was not engaged between
1.4.84 to 18.8.85 due to non-availability of work.
However, after his reengagement, he was granted
temporary status and was eventually absorbed as a Group

D employee. He has been sent for training for appointment to the post of Phone Mechanic. However, he has not been appointed as a Phone Mechanic because the period between 1.4.84 and 18.8.85 has not been reckoned as service. If the above period is also reckoned as service, according to the applicant he would be senior enough to be appointed as a Phone Mechanic. His claim for reckoning the above period as service was turned down by the impugned order dated 22-11-99 (Annexure.AI) stating that there is no rule or instruction which provide that the period of break for whatever reason is to be treated as service even if it is condoned.

2. We have heard the learned counsel for the applicant the Additional Central Govt. Standing counsel appearing for the respondents. We do not find anything in this application which calls for further adjudication. The learned counsel of the applicant is not in a position to place reliance of any rules or instructions which provide that the period of break in service if condoned is to be treated as service. We do not find any logic in the argument that the period for which a person has not worked should be treated as service even if it was due to non-availability of work.

3. In the light of what is stated above, the application is disposed in limine. No order as to costs.

Dated the 22nd day of May, 2000



G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

S.

List of annexures referred to:

Annexure, .AI: True copy of the letter No.Q.8474/6 dated 22.11.1999 issued by the 4th respondent.

...