

Central Administrative Tribunal

HYDERABAD BENCH : AT HYDERABAD

O.A. No. 14/89.

Date of Decision : 31.1.1992

~~XXXX~~

R. Jagan Mohan

Petitioner.

Shri T. Lakshminarayana

Advocate for the
petitioner (s)

Versus

General Manager, Telecommunication Dist.,
Suryalok Complex, Hyderabad.

Respondent.

Addl.

Shri N.V.Ramana, / Standing Counsel for
Central Govt.

Advocate for the
Respondent (s)

CORAM :

THE HON'BLE MR. R. BALASUBRAMANIAN, MEMBER (A)

THE HON'BLE MR. C.J. ROY, MEMBER (J)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgment ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?
5. Remarks of Vice Chairman on columns 1, 2, 4
(To be submitted to Hon'ble Vice Chairman where he is not on the Bench)

(HRBS)
M (A)

(HOUR)
M (J)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL::HYDERABAD BENCH::
AT HYDERABAD.

O.A.No.14/1989.

Date of Judgment: 31.1.1992.

R. Jagan Mohan Applicant

And

Union of India, represented by
General Manager, Telephones,
Hyderabad. .. Respondent

For the applicant : Shri T. Lakshminarayana, Advocate.

For the respondents : Shri N.V. Ramana, Addl. Standing
Counsel for Central Government

CORAM:

HON'BLE SHRI R. BALASUBRAMANIAN, MEMBER (ADMN.)

HON'BLE SHRI C.J.ROY, MEMBER (JUDL.)

{ JUDGMENT OF THE BENCH AS PER HON'BLE SHRI R. BALASUBRAMANIAN,
MEMBER (ADMN.) }

.....

This is an application filed under section 19 of the Administrative Tribunal Act, 1985 with a prayer that the proceedings contained in SR119/87-2 dt. 5-8-1987 be applied to the applicant herein and seniority fixed accordingly at the appropriate place with all consequential benefits.

2. The applicant joined in Hyderabad Telephones as Casual Mazdoor on 26.9.1977 and at that time he was only 22 years old. He has stated that he had worked as Mazdoor in Hyderabad Telephones without any break till 2-2-1986 and as such completed 2,705 days of regular service in the respondent

....2.

23

48

department. The respondent vide Memo No. SR-119/87/2, dated 5-8-1987, ~~applications were~~ ^{applications} called for from the approved casual Mazdoors for recruitment to the cadre of Regular Mazdoor. The applicant, who considered himself eligible applied for it. Later, one list of people who applied and who are ineligible was circulated. His name did not find place there. Few lists were published containing the names of persons who had been selected as Regular Mazdoor. The applicant's name ^{did} ~~is~~ not figure^d in any of the lists. The applicant made a representation to the respondent which was rejected on 22-6-1988. Hence this application.

3. The respondent filed counter affidavit and opposed the application. It is stated that the applicant served only for four days in March, 1986, and two days in April, 1986 and left the department. It is only now, when he came to know about the regularisation, he comes up with this application. According to circular dt. 5.8.1987 calling for applications, a person should have served 240 days in each of the two preceeding years. In the said circular the last date for receipt of applications was indicated as 21-8-1987. It is contended that there is no application at all from the applicant. It is their case that having left the department in April, 1986 itself, the applicant did not submit his representation through proper channel. It is also their case that, if the applicant had submitted his application his name ^{would} ~~could~~ have been figured either in the eligible list, or if he was not eligible it would have been found ^a ~~been~~ place atleast in the ineligible list which they had circulated.

4. The applicant also filed rejoinder to the counter affidavit. It is reiterated that the applicant submitted the representation through proper channel.

5. We examined the case and heard Shri T.Laxminarayana, learned counsel for applicant and Shri V.Rajeswara Rao proxy counsel for Shri N.V.Ramana, Addl.Standing Counsel for Central Government.

6. We have seen the circular dated 5-8-1987. One of the conditions is that a person should have put in 240 days of service in each of the two preceeding years. In some other case pertaining to the same department, we remember that it was brought to our notice that what was required is, just 240 days of service each year in any two years preceeding the criterion date. It is contended in the rejoinder that this condition is illegal because in the case of persons like the applicant herein who had put in lot of service, the mere fact that ^{they} ~~he~~ did not possess the requisite service during 1985-86 and 1986-87 will take away ~~his~~ ^{the} right of regularisation, notwithstanding the long service. ~~he had otherwise put in.~~ Since the case would be decided on some other ground as could be seen from the following paragraphs we do not wish to go into this question.

7. The last date for receipt of applications indicated in the circular was 21-8-1987. This was absolutely essential because ^a large number of persons with varying spells of service and claims were to be entertained by the department and if this huge task was to be undertaken by them there should be certain finality. It is not disputed that despite ~~his~~

otherwise ~~his~~ long service, ^{only for} the applicant had worked for the department ^{only for} four days in March, 1986, and two days in April, 1986 and thereafter he had not been with the department at all. The applicant stated that he had applied through proper channel. If that were the case his name should have been found in one of the lists either eligible or ineligible. Against this, the respondent clearly averred that there is no application from the applicant herein. Under these circumstances we are inclined to believe the respondents and since the applicant had not applied within the time stipulated, we see no reason to interfere in this case. In view of this, the application is dismissed with no order as to costs.

R. Balasubramanian
(R. BALASUBRAMANIAN)
MEMBER (A)

C. J. Roy
(C. J. ROY)
MEMBER (J)

Dated: 31st January 92

grh.

87/2/92
Dy. Registrar (Judl.)

Copy to:-

1. General, Manager, Telephones, Union of India, Hyd-bad.
2. One copy to Shri. T. Lakshminaryana, advocate, CAT, Hyd.
3. One copy to Shri. N. V. Ramana, Addl. CGSC, CAT, Hyd.
4. One spare copy.

Rsm/-

87/2/92
27/1/92

(14)

802
7/9/89

O.A. 12/89

TYPED BY
CHECKED BY

COMPARED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

~~THE HON'BLE MR. V.C.~~
THE HON'BLE MR. R. BALASUBRAMANIAN : M(A)
AND
~~THE HON'BLE MR. T. CHANDRASEKHAR REDDY :~~
M(JUDL)
AND
THE HON'BLE MR. C. J. ROY : MEMBER (JUDL)

DATED: 31/1/-1992

ORDER/JUDGMENT:

R.A/C.A/ M.A. No.

in

O.A. No.

14/89

T.A. No.

(W.P. No.)

Admitted and interim directions issued.

Allowed

Disposed of with directions.

Dismissed

Dismissed as withdrawn

Dismissed for Default.

M.A. Ordered/ Rejected

No order as to costs.

pvm.

Central Administrative Tribunal
DESPATCH
12-2-92
HYDERABAD BENCH

7/2/89