

(35)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No.307/89.

Date of Judgement 23-9-92

1. H.Arjunudu
2. G.Prakash Rao

.. Applicants

Vs.

1. The General Manager,
Telecom., Dept.,
Hyderabad.
2. The Director,
Telecom., Dept.,
Visakhapatnam.
3. The Dist. Engineer,
Telecom., Dept.,
Srikakulam.

.. Respondents

Counsel for the Applicants : Shri C.Venkatakrishna

Counsel for the Respondents : Shri Rajeswara Rao for
Shri N.V.Ramana, Addl. CGSC

CORAM:

Hon'ble Shri R.Balasubramanian : Member(A)

Hon'ble Shri C.J.Roy : Member(J)

X Judgement as per Hon'ble Shri R.Balasubramanian, Member(A) X

This application has been filed by Shri H.Arjunudu & another against the General Manager, Telecom., Dept., Hyderabad & 2 others under section 19 of the Administrative Tribunals Act, 1985 with a prayer to quash the Memo No.E-18/RE/CM/88-89/11 dt. 28.2.89 issued by Respondent No.3 as arbitrary.

2. The applicants joined the Telecom., Dept., as Casual Mazdoors in March, 1978 and January, 1979 respectively. They have been of and on urging the respondents to regularise their services. The respondents created 1,509 posts for regularisation and of Mazdoors who had more than 7 years of service as on 31.3.87 i.e., those who have been serving the Department from a date prior to 1.4.80. Regularisation orders were accordingly issued but the applicants who claim to have more than 7 years of service as on 31.3.87 were not included

in the regularisation list. The reason for this is seen in Memo No.E-18/RE/CM/88-89/10 dt. 28.2.89 where the Applicants 1&2 are treated as in service only from 7.6.82 and 10.5.80 respectively. Since according to this memo they did not have 7 years of service the applicants were not regularised.

3. The respondents have filed a counter and oppose the application. It is stated that their service, commencing only after they attained the age of majority at 18 years, has been taken into account.

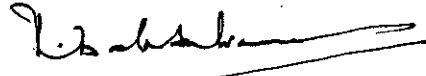
4. The short question involved in this case is whether only the service rendered by the applicants after they attained the age of majority is to be counted.

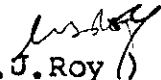
5. The case was earlier dismissed for default on 23.6.92. On allowing M.A.No.830/92, the case was restored and we heard Shri C.Venkatakrishna for the applicants for Shri Rajeswara Rao for the respondents. Shri C.Venkatakrishna drew our attention to the fact that the case is fully covered by a judgement dt. 7.9.92 in O.A.No.280/89. In that O.A. we held that service extracted from the applicants prior to attaining the age of 18 years should not be ignored and directed the respondents therein to take into account for purpose of regularisation the total service regardless of the age at which such service was taken ^{from} by them. Therefore, in this O.A. also we give the same direction to the respondents to take into account for purpose of regularisation the total service (emphasis added) regardless of the age at which such service was taken by the respondents. If on this reckoning it is seen that persons junior to the applicants have already been regularised, then the applicants should be regularised against the next 2 vacancies that arise

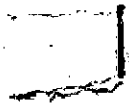
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in the proper order. Their seniority in the Group-D cadre will, however, have to be duly protected. No order as to costs.


(R. Balasubramanian)
Member(A).


(C. J. Roy)
Member(J).


Dated: 23rd September, 1992.


Deputy Registrar(Judl.)


Copy to:-

1. The General Manager, Telecom., Department, Hyderabad.
2. The Director, Telecom, Department, ~~Srikakulam~~ Visakhapatnam.
3. The District Engineer, Telecom, Department, Srikakulam.
4. One copy to Sri. C. Venkatakrishna, advocate, 7-1-571, Subhash road, Secunderabad-3.
5. One copy to Sri. N.V. Ramana, Addl. CGSC, CAT, Hyd.
6. One spare copy.


Rsm/-

O.A. 307/89

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

THE HON'BLE MR.

AND

THE HON'BLE MR. R. BALASUBRAMANIAN: M(A)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY:
MEMBER (J)

AND

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

Dated: 23/9/1992

ORDER / JUDGMENT

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

in

O.A.No.

307/89

T.A.No.

(W.P.No)

Admitted and interim directions
issued

Allowed.

Disposed of with directions

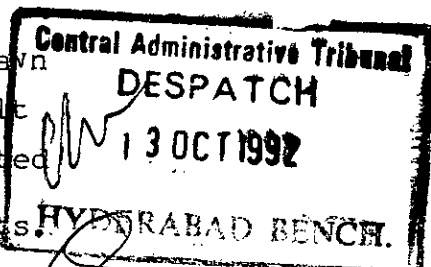
Dismissed

Dismissed as withdrawn

Dismissed for default

M.A. Ordered / Rejected

No orders as to costs.



pvm.