

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH

AT HYDERABAD

O.A.No.807/89

Dt.of order:11-07-1995

Between

M.R.Varaprasad

.. Applicant

and

1. General Manager
Telecommunications
AP, Hyderabad.2. Divisional Engineer, Telecomns.,
Eluru 5340503. Divisional Officer, Tadapalligudam
West Godavari District .. Respondents

Counsel for the Applicant :Mr J.Venugopal Rao

Counsel for the Respondents :Mr N.R.Devraj, Sr.CGSC

CORAM:

HON'BLE SHRI JUSTICE V. NEELADRI RAO, VICE-CHAIRMAN

HON'BLE SHRI A.B. GORTHI, MEMBER (ADMN)

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JUDGEMENT

As per Hon'ble Shri A.B.Gorthi, Member(Admn)

The applicant, who was initially engaged as a casual mazdoor on 1.5.1985, is aggrieved by the impugned order dated 18-9-1989 by which, he was dis-engaged. His prayer is that the impugned order dated 18-9-1989 be set aside and that he be reinstated as a casual mazdoor.

2. The applicant was initially engaged on 1.5.1985 and he continued to work as a casual mazdoor till 18.7.87. On that date, a show cause notice was served upon him stating that his services would be terminated with effect from 18.8.87 as he was sponsored after 30.3.1985 and as such, he was not eligible to be retained as casual mazdoor. After his services were thus ~~six months~~ discontinued, he made a representation on 25.1.1988 which was duly considered by the respondents and he was taken back to work. However, a second show-cause notice was issued on 18.9.1989 and notwithstanding his representation dated 22.9.1989, his services as casual mazdoor were dis-continued by the impugned order.

3. The respondents have filed a reply affidavit in which, the afore stated facts are not disputed. They, however stated that when the application came up for admission, an interim direction was given to the respondents to suspend the operation of the impugned order dated 18.9.1989 and to allow the applicant to continue as a casual mazdoor in the office of SDO(T), Tadapalligudam. Consequently, the applicant was re-

To

1. The General Manager, Telecommunications,
A.P.Hyderabad.
2. The Divisional Engineer, Telecommunications,
Eluru-050.
3. The Divisional Officer, Tadepalligudem,
West Godavari Dist.
4. One copy to Mr.J.Venugopal Rao, Advocate, CAT.Hyd.
5. One copy to Mr.N.R.Devraj, Sr.CGSC. CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

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engaged as a casual mazdoor on 2.3.1990 and he is still continuing to work as such.

4. Heard learned counsel for both the parties.

5. In the case of ~~Mohan~~ Vs Union of India & Ors. reported in 1993(2) ATJ 1, ← → the Ernakulam Bench of this Tribunal held that it was not proper to terminate the engagement of casual labourers merely on the ground that they were engaged after 30-3-1985, provided, they ~~were~~ engaged prior to 7.6.1988. It was further held by the Ernakulam Bench of the Tribunal that breaks in service not exceeding one year, could be considered for condonation by the competent authority.

6. In view of the above, this OA is disposed of with the following directions to the respondents.

- a) The applicant will be continued to be engaged as a casual mazdoor so long as there is work and so long as his juniors are retained.
- b) The question of condoning the break of service will be considered by the competent authority.
- c) The case of the applicant for grant of temporary status with subsequent regularisation will be considered by the respondents in accordance with the extant scheme/instructions.

7. No costs. //

Shri Gorthin
(A.B. GORTHIN)
Member (Admn)

V. Neeladri Rao
(V. NEELADRI RAO)
Vice-Chairman

Dated:11th July, 1995

Dictated in the open court

Amulya
15-7-95
Deputy Registrar OA