

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH

AT HYDERABAD

O.A. No. 238/90

T.A. No.

Dt. of Decision 11-6-93

34

Mr. K. Lakshmana Rao

Petitioner

Mr. K. Keshava Rao

Advocate for
the petitioner
(s)

Versus

Sub Divisional Officer, Telecom, Srikakulam Respondent.

Mr. N.V. Ramana

Advocate for
the Respondent
(s)

CORAM

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

THE HON'BLE MR. T. CHANDRASEKHARA REDDY, MEMBER (JUDL).

1. Whether Reporters of local papers may be allowed to see the judgement? ✓
2. To be referred to the Reporters or not? X
3. Whether their Lordships wish to see the fair copy of the Judgement? X
4. Whether it needs to be circulated to other Benches of the Tribunal? X
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.) X

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH

AT HYDERABAD

O.A. No.238/90

Date of Order:11th June, 1993

Between

Sri K.Lakshmana Rao

.. Applicant

and

1.The Sub-Divisional Officer,
Telecommunications,
Srikakulam

2.The Chief General Manager,
Telecommunications
Andhra Pradesh Circle
Hyderabad.

3.Director General
Telecommunications
(representing Union of India)
New Delhi.

.. Respondents

Counsel for the Applicant :: Mr M.Keshava Rao

Counsel for the Respondents :: Mr N.V.Ramana, CGSC

CORAM:

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

HON'BLE SHRI T. CHANDRASEKHARA REDDY, MEMBER (JUDL.)

(Order of the Division Bench delivered by Hon'ble
Shri A.B. Gorthi, Member (Admn))

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The applicant was employed as Casual Mazdoor under the Sub-Divisional Officer, Telecom., Srikakulam since June 1985. Vide Memo dated 30/9/88, his services were proposed to be terminated with immediate effect. In actual fact, however, he continued to work till 31.1.199 when he was finally told orally not to attend work from 1.2.1990. Aggrieved by the said oral termination of service he has filed this application praying that the order terminating his services, should be declared as illegal and that he may be reinstated in service with all consequential benefits.

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2. The respondents in their reply affidavit have stated, that the applicant was engaged as Casual Mazdoor from 19.6.1985 to work with the Department as and when there was any work. The respondents were not bound to engage the applicant continuously even ^{if} there was no work.⁴ Further, their contention is, that the applicant did not work for 240 days, and, accordingly, there was no requirement of giving any prior notice for termination of his services.

3. We have heard Mr K.Keshava Rao, Counsel for the applicant and Mr Rajeshwara Rao for Mr NV Ramana, Standing Counsel for the respondents. When this application came up for admission hearing on 19.3.90, an interim order was passed directing the respondents to engage the applicant if there is work and in preference to any of his juniors. We are now informed that the applicant was again taken as Casual Mazdoor and is continuing to work as such, even to date.

4. In view of the above, as the applicant is now working as Casual Mazdoor, we deem it proper to dispose of this application with the following directions to the respondents.

- a) The applicant will be allowed to continue to work as long as there is work.
- b) In case his services is to be terminated for want of work, the principle of 'first come; last go' will be followed.

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c) The question of granting temporary status to the applicant and his subsequent absorption as a regular employee will be considered and determined in accordance with the extant rules.

5. There shall be no orders as to costs.

Abhishek
(A.B. GORTHI)

Member (Admn)

T.C.R.
(T.CHANDRASEKHARA REDDY)

Member (Judl.)

Dated: The 11th June, 1993

(Dictated in the open court)

8/4/93
Deputy Registrar

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To

1. The Sub Divisional Officer, Telecommunications, Srikakulam.
2. The Chief General Manager, Telecommunications, Andhra Pradesh Circle, Hyderabad.
3. The Director General, Telecommunications, Union of India, New Delhi.
4. One copy to Mr. M. Kesava Rao, Advocate, C-9, S.B.H. Colony, Saidabad, Hyderabad.
5. One copy to Mr. N.V. Kamana, Addl CGSC. CAT. Hyd.
6. One spare copy.
7. One copy to Hon'ble Mr. A.B. Gorthy, Member (A) CAT. Hyd.
8. One copy to Library, CAT. Hyd

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