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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD

AT HYDERABAD

O.A.No. 341 of 1990.

Dt. of decision:30.9.1993.

Between

T.V.R. Kumar

.. Applicant

And

1. Officer Engineer, Telecom,
Palakol-534 260.
2. Deputy General Manager, Telecom,
Eluru-534 050.
3. Director General, Telecom,
(representing Union of India),
New Delhi - 110 001

.. Respondents

Appearance:

Counsel for the applicant : Sri C. Suryanarayana
Advocate

Counsel for the respondents : Sri ^{N. V. Ramana} ~~E. Madan Mohan Rao~~
Addl. Secy

Coram:

The Hon'ble Mr. A.B. Gorthi, Member (Administration)

The Hon'ble Mr. T. Chandrasekhar Reddy, Member (Judicial)

J u d g e m e n t

[As per the Hon'ble Mr. A.B. Gorthi, Member (Admn.)]

The applicant, whose services were terminated by means of impugned order dated 27-2-90, has filed his application praying that the impugned order be set aside, and that he ^{be} re-engaged with all consequential benefits.

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2. The applicant was initially recruited in August, 1983 under the SDO-Telecom, Gudivada. He continued to work till the end of January, 1984 although his name was not shown in the Muster Rolls. ^{W.e.f.} 1-2-84, ~~his~~ name was included in the Muster Rolls of Gudivada Telecom Sub-Division, and he continuously worked till the end of March, 1990 except during the period from September, 1987 to middle of October, 1988. During this period the applicant was absent from duty on account of sickness for which he took treatment, and ~~got~~ submitted a Medical Certificate to the concerned authorities for condonation of the break. After the said break, he was again employed and he continuously worked for about 380 days. He was retrenched from service by impugned order w.e.f. 1-4-90.

3. The main contention of the respondents appears to be that the services of the applicant were terminated on account of the fact that there was a break in his engagement for a period of about 13 months from 1-9-1987 to 14-10-1988. In the counter affidavit they clarified that had the applicant sought condonation of the break sufficiently in time, it could have probably ^{been} ~~be~~ done.

4. Mr. C. Suryanarayana, learned counsel for the applicant contended that the applicant ~~did~~ ^{had} submit the Medical Certificate and sought condonation of the break in service while he was working at Gudivada. In any case, we find from the material before us that the applicant, with intermittant breaks, had worked for sufficiently longer ~~per~~ period under the respondents, both in Krishna Telecom Division and West Godavari Telecom Division. Consequently, he is entitled ^{to} ~~for~~ consideration for the grant of temporary status. Under the circumstances, we

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and that the termination of his services in the manner which it was done by the respondents is not legal. The impugned order so far as it relates to the termination of the services of the applicant is hereby set aside. While we are not inclined to direct ~~for~~ payment of back wages, the application is allowed with the following directions to the respondents.

- (a) The applicant shall continue to work and his services will not be terminated so long as there is work, and so long as his juniors are continued to work;
- (b) The applicant's case for grant of temporary status will be considered, and keeping in view the service rendered by him, it shall be granted w.e.f. due date;
- (c) Taking into account the number of days of service put in by the applicant, his case for regularisation, whether in Krishna Telecom Division, or in West Godavari Telecom Division will be considered in accordance with his seniority in the respective Divisions, and, as per the extant rules/instructions.

5. There shall be no orders as to costs.

(T. Chandrasekhar Reddy)
Member (Judl.)

(A.B. Gorthi)
Member (Admn.)

Dated 30-9-1993
Dictated in the Open Court

Deputy Registrar(J)

To

1. The Officer Engineer, Telecom, Palakol -260.
2. The Deputy General Manager, Telecom, Eluru-050
3. The Director General, Telecom, Union of India, New Delhi-1.
4. One copy to Mr.C.Suryanarayana, Advocate, CAT.Hyd.
5. One copy to Mr.N.V.Ramana, Addl.CGSC. CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

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