

22

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH

AT HYDERABAD

O.A.No.413/90

Date of Order:28-10-93

G.Raja Bhoomaiah

.. Applicant

Vs.

- 1.The Chief General Manager,
Telecommunications, A.P.,
Hyderabad.
- 2.The Divisional Engineer, Tele-
communications, Karimnagar Division,
Karimnagar district.
- 3.The Sub-Divisional Officer, Telecommuni-
cations, Jagityala Sub-Division, Jagityala,
Karimnagar District.

Counsel for the Applicant : Mr.P.Naveen Rao

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

CORAM:

THE HON'BLE MR.A.B.GORTHY : MEMBER (ADMN.)

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

Done

(73)

.. 2 ..

(Order of the Divn. Bench passed by Hon'ble
Shri A.B.Gorthi, Member (A)).

* * *

The applicant was initially employed as a Casual Mazdoor in the Sub-Divisional Office, Telecommunications, Jagityala Sub-Division, Karimnagar District, with effect from 1-4-1984. According to him, he ^{ed}working continuously till 13-4-1987 and thereafter he fell sick. When he was ~~declared~~ declared fit for re-~~assumption~~ assumption of duties with effect from 1-3-88 he approached the Respondent No.3 for re-engagement. His request was accepted and he was re-engaged on 1-3-88. Thereafter he worked for about ²²⁴~~242~~ ² days ^{when} his services were terminated orally with effect from 1-2-1989. His prayer is ^{that} in view of ^{the} his services rendered with the Respondents organisation, he should be re-engaged with all consequential benefits.

2. The Respondents in their brief counter affidavit have brought out that the applicant did not performed any duties with the respondents during the months of February, 1986, March, 1986, April, 1986, October, 1986, December, 1986 and January, 1987, without any intimation. Even thereafter he remained absent without any prior intimation for a period about 11 months from 1-4-87 to 29-2-88 and that the applicant had not furnished any Medical Certificate with regard to his illness during the period from 1-4-87 to 29-2-88.

...3.

24

3. We have heard learned counsel for both the parties. From the facts averred in the application it is evident that although the applicant had worked for more than 240 days in the year 1984-85^{and} 1985-86, thereafter he was absent for a period of 11 months. After the said break in his engagement, he was re-engaged with effect from 1-3-88 till his services were terminated on 31-1-89. Learned counsel for the applicant contends that keeping in view the length of service rendered by the applicant, he would be entitled for Temporary Status and consequential benefits. This contention is refuted by Shri N.R.Devraj, counsel for the Respondents on the ground that the applicant remained absent for more than 11 months and he could not have claimed temporary status for the work he rendered prior to 1986 and in any case the policy to grant Temporary Status was formulated by the Respondents after 1986.

4. Keeping in view the rival contentions we deem it just and proper to dispose of this application with the following directions to the Respondents :-

(a) the applicant shall be re-engaged if there is work and in preference to any freshers or others who rendered lesser number of days of service than ^{to} applicant;

300/9
7

(b) the question of grant of Temporary
Status ^{and his} ~~is~~ subsequent regularisation ²
would be considered by the Respondents
in due course and in accordance with
the extant instructions.

5. The application is disposed of without any
order as to costs.

(T. CHANDRA SEKHAR REDDY)
Member (J)

(A. B. GORTHI)
Member (A)

Dated: 28th October, 1993.
Dictated in Open Court.

avl/

Dy. Registrar (Jud.)

Copy to:-

1. The Chief General Manager, Telecommunications, A.P., Hyd.
2. The Divisional ~~XXXXXX~~ Engineer, Telecommunications, Karimnagar Division, Karimnagar District.
3. The Sub-Divisional Officer, Telecommunications, Jagityala Sub Division, Jagityala, Karimnagar District.
4. ~~XXXXXX~~ One copy to Sri. P. Naveen Rao, advocate, CAT, advocates association, Tilak road, Hyd.
5. One copy to Sri. N.R. Devaraj, Sr. CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

Rsm/-

0.A.4/3/90

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE CHAIRMAN

AND

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

AND

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

AND

THE HON'BLE MR. P. T. TIRUVENGADAM : M (A)

Dated: 28/10/1993

ORDER/JUDGMENT:

M.A./R.A./G.A.No.

in

O.A.No.

413/90

T.A.No.

(W.P.)

Admitted and Interim directions
issued

Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn

Dismissed for default.

Rejected/Ordered.

No order as to costs.

