

(2H)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : AT HYDERABAD.

* * *

O.A.No. 433/90

Dt. of Decision : 2.12.93

Nadupalli Challa Rao

... Applicant

Vs

1. The Assistant Engineer,
CXL Mtce.,
Tadepalligudem-534 101,
 2. The Divisional Engineer,
Telecom., (Maintenance),
Bhimavaram-534 204.
 3. The Director-General, Telecom.,
(representing Union of India),
New Delhi-110 001.
- ... Respondents.

Counsel for the Applicant : Mr. C.Suryanarayana

Counsel for the Respondents : Mr. ^{N.V. Ramana}
~~S. Narayan Mohan Rao~~
Addl. CGSC

CORAM:

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

THE HON'BLE SHRI T.CHANDRESEKHARA REDDY : MEMBER (JUDL.)

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(24)

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O.A.No. 433/90

Dt. of Decision : 2.12.93

ORDER

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

The applicant, whose services as a Casual Mazdoor was terminated with effect from 1.6.90, has filed this application praying for a direction to the respondents to continue him as a Casual Mazdoor and to declare the impugned termination order as illegal.

2. The applicant was initially recruited as a Casual Mazdoor in Coaxial Telecom Equipment Installation at Tanuku in 1976. Subsequently he was again engaged as a part-time gardener and he worked as such till 1979. The number of hours of work were increased ^{to} six hours day in 1979 and he continued to work as a part-time casual mazdoor till 1984. In June 1984 he was given the assignment as a full time Casual Mazdoor and he worked in that capacity till the impugned order was passed. In 1986 as the applicant became eligible for regular absorption as Group "D" (NTC), he furnished details of Educational Qualification, date of birth as contained in the School Transfer Certificate. The respondents found that the transfer certificate furnished by the applicant was not genuine and

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accordingly issued the impugned order terminating the service of the applicant with one month notice.

3. No counter affidavit has been filed by the respondents. But we heard Mr. N.V. Ramana learned standing counsel for the respondents.

4. At the time of admission of the application an interim order was passed by the Tribunal directing the respondents to continue the applicant as a Casual Labourer as per the seniority. Consequently the applicant is continuing to work as a Casual Mazdoor even as on today.

5. As regards the validity of the impugned order of termination of service we need not go in-to this aspect any further because admittedly the said order has not been put in-to effect and the applicant is continuing as a Casual Mazdoor.

6. Keeping in view the above facts and circumstances of the case, this application can be disposed of with the following directions to the respondents.

1. The applicant shall be continued as a Casual Labour so long as there is work, and if retrenchment becomes necessary, it will be in accordance with the principle of last come first go.

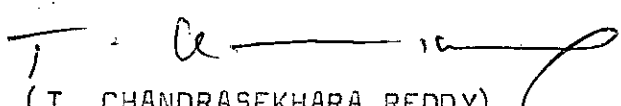
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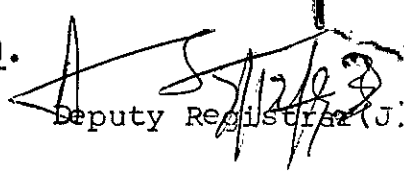
2. The question of granting temporary status to him and also his case for regular absorption will be considered by the respondents in accordance with his^L the seniority and as per the extant scheme/instructions.

7. The application is disposed of in the above terms without any order as to costs.


(T. CHANDRASEKHARA REDDY)
MEMBER (JUDL.)


(A.B. GORTHI)
MEMBER (ADMN.)

Dated : The 2nd December 93.
(Dictated in Open Court)


Deputy Registrar (J.)

To spr

1. The Assistant Engineer, CXL Mtce., Tadepalligudem-101.
2. The Divisional Engineer, Telecom, (Maintenance) Bhimavaram-204.
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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TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD

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

AND

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

AND

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

AND

THE HON'BLE MR. R. RANGARAJAN : MEMBER (A)

Dated: 2 - 12 - 1993

~~ORDER/JUDGMENT:~~

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

in

O.A.No. 433/90

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

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