

(9e)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH : AT HYDERABAD

\* \* \*

O.A. No. 997/90

Dt. of Decision : 1.12.93

K. S. Ayub

. . Applicant

Vs

1. Chief General Manager  
(Telephones),  
A.P. Hyderabad.
2. Telecom District Engineer,  
Anantapur.
3. S.D.O. Telecommunications,  
Dharmavaram, Anantapur District.
4. Union of India, rep. by its  
Secretary, Ministry of  
Telecommunications,  
New Delhi.

. . Respondents

Counsel for the Applicant : Mr. P. Srinivasulu (Not A.)

Counsel for the Respondents : Mr. N.V. Ramana, Addl. CGS

CORAM:

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

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

O.A.No. 997/90

Dt. of Decision : 1.12.93

ORDER

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

The applicant who was <sup>a</sup>~~the~~ Casual Mazdoor in the respondents' organisation has prayed for a direction from this Tribunal to the effect that the respondents shall take the applicant into service and regularise his services.

2. According to the applicant, he was initially ~~engaged~~ as Casual Mazdoor under the respondents in December 1981 and he continued in service till March 1984. He fell sick ~~in~~ and could not continue to work as a Casual Mazdoor till November 1988. After that, he was ~~re~~employed once again as a Casual Mazdoor and he worked as such till the impugned order dt. 2.5.90 was issued. According to the said letter, his services ~~were~~ terminated for the reason that the break in service from April 1984 to October 1988 was not to be condoned. The prayer of the applicant is that, as he was suffering from illness for which he produced a Medical Certificate also, the break in his engagement as a Casual Mazdoor should be condoned by the respondents.

3. When the application came up for hearing, an interim order was passed directing the respondents to engage the applicant as Casual Mazdoor, keeping in view his seniority and in preference to juniors and outsiders, provided there was work.

4. <sup>appeared</sup> None <sup>^</sup> for the applicant. The respondents have not filed counter affidavit, but, we have heard Mr. N.V. Ramana standing counsel for the respondents.

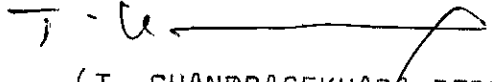
5. We are now informed by Mr. N.V. Ramana <sup>L Kdr</sup> for the respondents, <sup>^</sup> by virtue of the interim order of the Tribunal, the applicant is re-engaged and is continuing to work as a Casual Mazdoor. In view of this situation, we deem <sup>it just</sup> and suggest <sup>^</sup> to dispose of this application <sup>with</sup> in the following directions to the respondents.

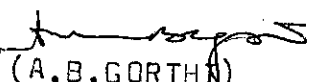
1. The applicant will be continued as a Casual Mazdoor so long there is work. Retrenchment, if any, will be in accordance with the principle of last come, first go.

2. The respondents will take action to <sup>the applicant</sup> consider the case of ~~action~~ for condonation of break <sup>in</sup> and service, <sup>has since been</sup> because of the fact that he <sup>^</sup> is re-engaged.

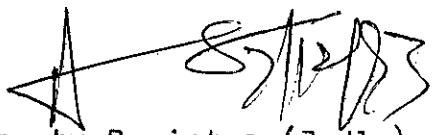
3. The question of granting the applicant temporary status and also his regularisation against a Group "D" vacancies will be considered by the respondents strictly in accordance with seniority and as per the extent <sup>scheme</sup> / <sub>^</sub> instructions.

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

  
(T. CHANDRASEKHARA REDDY)  
MEMBER (JUDL.)

  
(A.B. GORTHY)  
MEMBER (ADMN.)

Dated : The 1st December 93.  
(Dictated in Open Court)

  
Deputy Registrar(Judl.)

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Copy to:-

1. Chief General Manager(Telephones), A.P.Hyderabad.
2. Telecom District Engineer, Anantapur.
3. S.D.O.Telecommunications, Dharmavaram, Anantapur District.
4. Secretary, Ministry of Telecommunications, Union of India, New Delhi.
5. One copy to Sri. P.Srinivasulu, advocate, 235/2RT,Vijaya-nagar colony, Hyd.
6. One copy to Sri. N.V.Ramana, Addl. CGSC, CAT, Hyd.
7. One copy to Library, CAT, Hyd.
8. One spare copy.

Rsm/-

(4)  
PVS. O.A. 997/90

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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. GORTHI : MEMBER(A)

AND

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

AND

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

Dated: 1/12/-1993

ORDER/JUDGMENT:

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

O.A.No. in 997/90

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.

Central Administrative Tribunal  
DESPATCH  
DEC 1993  
HYDERABAD BENCH.