

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

D.A.71/91.

Date of Judgement: 23/01/91 .

K.J.Michael Soundaraj

....Applicant

Vs.

1. The Sub-Divisional Officer, Telecom,
Dharmavaram - 515 672.
2. The Telecom District Engineer,
TDM, Anantapur 515 001.
3. The Chief General Manager, Telecom,
AP, Hyderabad - 500 001.
4. The Director-General, Telecom,
(Representing Union of India)
New Delhi 110 001.

....Respondents

Counsel for the Applicant : Shri C.Suryanarayana

Counsel for the Respondents : Shri E.Madan Mohan Rao,
Addl.CGSC

CORAM:

THE HON'BLE SHRI B.N.JAYASIMHA : VICE-CHAIRMAN

THE HON'BLE SHRI J.NARASIMHA MURTHY : MEMBER (J)

(Judgement of the Division Bench delivered by
Hon'ble Shri B.N.Jayasimha, Vice-Chairman)

The applicant is a Casual Mazdoor under the
SDOT, Dharmavaram and he has filed this application against
verbal order of the Sub-Divisional Officer, Telecom,
Dharmavaram (Responent No.1) retrenching the applicant
from service with effect from 1-6-1990.

2. The applicant states that he was intially re-
cruited and employed as ^oCasual Maxdoor with effect from
2-3-1984. His selection was formalised by an order dated
16-10-1984 issued by the 1st Respondent. He was employed

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for 154 days during the period from 2-3-84 to 30-4-85. While he was working, the applicant met with an accident due to electric induction into telegraph/telephone wires and sustained burn injuries. He was hospitalised during the period from 5-7-1984 to 19-7-1984 for treatment for the burns. Later, the applicant suffered from Kyphosis on account of the electric burns and he was under the treatment of a private medical practitioner from 1-12-85 to 31-5-89⁸. The applicant obtained a certificate that he is a physically handicapped person from Dr.P.Israel Raju, M.S. Even after recovering from the burn injuries, the applicant could not secure employment in view of results of Kyphosis. However, with effect from 1-1-89, the applicant was employed by the 1st Respondent till 31-5-1990 and his name was included in the Muster Rolls. He worked for a total of 458 days during the period from 1-1-89 to 31-5-90. Thus he has put in more than 240 days service after 1-1-89. The applicant states that the Respondent No.2 issued a list of Casual Mazdoor whose cases are in consideration for conferment of Temporary Status (Annexure A-7 to the application). Against the applicants name it is stated that he is not having 240 days service in any year and this was not a correct statement. since it is sufficient to be put in 240 days of service for conferment of Temporary Status as directed by the Supreme Court in Ramgopal & Others Vs. Union of India &

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To

1. The Sub-Divisional Officer, Telecom.,
Dharmavaram-515 672.
2. The Telecom District Engineer,
TDM, Anantapur 515 001.
3. The Chief General Manager, Telecom.,
A.P., Hyderabad-500001.
4. The Director-General, Telecom.,
(Representing U.O.I.), New-Delhi-110001.
5. One Copy to Mr.C.Suryanarayana, Advocate,
H.No.1.2.593/50, Srinilayam, Sri Sri Marg,
Gaganmahal, Hyderabad-500029.
6. One copy to Mr.E.Madan Mohan Rao, Addl.CGSC.CAT.Hyd.
7. One Spare Copy.

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others (AIR 1987 SC 2342), the respondents are not correct in denying him the Temporary status. Further soon after the circulation Annexure A-7, the applicants services was terminated without any notice or notice period of wages. Hence, he has filed this application.

3. We have heard Shri C.Suryanarayana, learned counsel for the applicant and Shri E.Madan Mohan Rao, learned standing counsel for the respondents. The main argument of Shri Suryanarayana is that the termination of applicants services with effect from 1-6-90 is contrary to the letter dated 1-10-1984 of D.G.P. & T and the respondents have also not observed the instructions given in that letter. Shri Madan Mohan Rao states that it is open for the applicant to have submitted a representation to the higher authorities in the department. The applicant has not exhausted the alternate remedy available to him before filing this application. After considering these rival submissions we are of the view that the applicant cannot be entertained at this stage as the applicant has to avail the remedy available to him of preferring a representation to the higher authorities. However, in the facts of the case we direct the applicant to submit a representation within one week from the date of receipt of this order and the respondents shall dispose of the same ^{within two months thereafter} expeditiously. The applicant will be employed in preference to his juniors.

4. With the above direction, the application is disposed of. No order as to costs.

B.N. Jayasimha
(B.N. JAYASIMHA)
Vice Chairman

J.N. Murthy
(J.N. MURTHY)
Member(J)

Dt. 23rd January, 1991
Open Court dictation

DRW