

(20)

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. No.74/91

Date of decision: 27-9-93

Between:

S. Amanulla Saheb

.. Applicant

and

1. Sub-Divisional Officer, Telecom,
Dharmavaram.
2. Telecom District Engineer,
% TDM, Anantapur.
3. Chief General Manager, Telecom,
A.P., Hyderabad.
4. Director-General Telecom,
(representing Union of India)
New Delhi.

.. Respondents

Appearance:

Counsel for the applicant : Sri C. Suryanarayana

Counsel for the respondents: Sri E. Madanmohana Rao

Coram

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

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

J u d g e m e n t

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

This application was filed on 23-1-1991, and despite sufficient opportunity given, the respondents did not bother to file a counter affidavit. Today, when the case is listed for hearing, there is none for the respondents. We have, therefore, heard Sri C. Suryanarayana, learned counsel for the applicant, and also perused the material before us.

2. The applicant was initially recruited on 11-12-1981 under Sub-Divisional Officer, Telecom, Dharmavaram. He

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worked as casual labour for about 579 days before he fell sick, and could not attend for duty from September, 1985. He was again employed from 3-10-1988 and worked continuously till he was retrenched on 1-6-1990.

3. As a result of the order of retrenchment, he has filed this application seeking a direction ^{to} the respondents to reinstate him in service with full back wages and protection of seniority. At the time of admitting the application an interim relief was granted by means of a direction to the respondents to reengage the applicant as Casual Mazdoor, if there was work and in preference to juniors and outsiders. We are now informed by the learned counsel for the applicant that in response to the interim order the applicant was reengaged, and he has since been continuously working as a Casual Mazdoor with effect from February, 1991.

4. From the perusal of material before us, we are satisfied that the averments made by the applicant are sufficiently supported by the annexures attached to the O.A. It is now apparent that the applicant has been working for a considerably long period with the respondents. In view of this, we dispose of this application with the following directions to the respondents:

- (a) The service of the applicant will not be terminated so long as there is work, and so long as his juniors are retained in service.
- (b) The case of the applicant for his regular ^{absorption} observation will be considered strictly in accordance with the seniority, taking into consideration the total number of days of service rendered by the applicant.
- (c) In the mean time, the respondents shall accord

20/10/91

28

temporary status to the applicants in accordance with the extant instructions.

5. There shall be no orders as to costs.

(T. Chandrasekhar Reddy)
Member (Judl.)

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

Dated 27-9-1993
Dictated in the Open Court.

12

kmv

Dy. Registrar(Judl.)

Copy:-

1. Sub Divisional Officer, Telecom, Dharmavaram. 2515672.
2. Telecom District Engineer, O/O TDM, Anantapur. 515001.
3. Chief General Manager, Telecom, A.P., Hyderabad. 500001.
4. Director-General Telecom, (representing Union of India), New Delhi. — 1
5. One copy to Sri. C.Suryanarayana, advocate, CAT, Hyd.
6. One copy to Sri. E.Madanmohana Rao, Addl. CGSC, CAT, Hyd.
7. One copy to Library, CAT, Hyd.
8. One spare copy.

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page 9.6
7/2/93