

(22)

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: AT HYDERABAD.

O.A No. 109/91.

Date of Decision: 30-7-92

xxxxxx

Syed Arifullah Hussaini

Petitioner.

Shri V. Jogayya Sarma

Advocate for
the Petitioner(s)

Versus

Union of India, Rep. by the General Manager, Telecommunications, New Delhi-110001 & 4 others Respondent.

Shri N. Bhaskara Rao, Addl. CGSC

Advocate for
the Respondent
(s)

CORAM:

THE HON'BLE MR. R. Balasubramanian : Member (A)

THE HON'BLE MR. T. Chandrasekhara Reddy : Member (J)

1. Whether Reporters of local papers may be allowed to see the Judgment ?
2. To be referred to the Reporters or not ?
3. whether their Lordship's wish to see the fair copy of the Judgment ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?
5. Remarks of Vice Chairman on Columns 1, 2, 4 (To be submitted to Hon'ble Vice-Chairman where he is not on the Bench.)

✓ T.C.R
HRBS HTCSR
M(A). M(J).

(23)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No.109/91.

Date of Judgement 30-7-92

Syed Arifullah Hussaini .. Applicant

1. Union of India,
Rep. by the
General Manager,
Telecommunications,
New Delhi.
2. The Chief General Manager,
Telecommunications,
A.P.Circle,
Triveni Complex,
Hyderabad-A.P.
3. The Dist. Manager,
Telecommunications,
MBNR Divn., M'Nagar.
4. The Divl. Engineer(T),
Telecommunications,
M'Nagar.
5. The SDO Telecommunications,
M'Nagar. .. Respondents

Counsel for the Applicant : Shri V.Jogayya Sarma

Counsel for the Respondents : Shri N.Bhaskara Rao, Addl.CGSC

CORAM:

Hon'ble Shri R.Balasubramanian : Member(A)

Hon'ble Shri T.Chandrasekhara Reddy : Member(J)

I Judgement as per Hon'ble Shri R.Balasubramanian, Member(A). I

This application has been filed by Shri Syed Arifullah Hussaini under section 19 of the Administrative Tribunals Act, 1985 against the Union of India, Rep. by the General Manager, Telecommunications, New Delhi & 4 others. The prayer herein is to declare the letter No.A.43/89-90/II/14 dt. 11.1.91 as illegal and to direct the respondents to regularise the services of the applicant.

2. The applicant joined the Dept. of Telecommunications as Casual Mazdoor under the SDO Telecommunications, Mahabub-nagar w.e.f. 1.10.83. He worked till 25.11.85. From 26.11.85 to 26.4.90 he was absent reportedly on medical grounds.

From 27.4.90 the applicant was permitted to resume his duties and accordingly he was taken back as Casual Mazdoor and is working since 1-5-90. It is contended that as on 27-1-91 he has put in more than 270 days of continuous service and a total of over 800 days. His grievance is that he is paid only Rs.16/- per day which is not on par with regular Group 'D' workers. He also represented for conferment of temporary status and vide the impugned order dt.11-1-91 this has been turned down.

3. The respondents have not filed any counter.

4. The case was heard on 9-7-92. We heard the rival sides. The impugned order dt.11-1-91 states that the applicant does not fulfil the conditions laid down for the conferment of temporary status. Since his resumption of casual service on 1-5-90 after about 5 year break, he has put in as on 27-1-91 more than 270 days according to his statement. As seen from the letter dt.11-1-91 this does not entitle him to the temporary status. The applicant has not produced any material in support of his claim for temporary status. His claim for 800 days of service as on 27-1-91 evidently includes his service during the period from 1-5-83 to 28-11-85. When there is such uncovered a long/break as this for nearly $4\frac{1}{2}$ years, the applicant has not supported with any material that casual service rendered prior to the break can also be counted as service for purpose of granting temporary status. Therefore, we are not able to interfere on his behalf.

5. As for the rate at which he is to be paid, he has claimed to have put in 270 days of continuous service after 1-5-90 when he was allowed to resume service. In such a case the rate at which he is to be paid should be governed in accordance with the instructions of the Department of Personnel & Training on the subject vide their Office Memorandum F.No.49014/2/86-Estt (C) dated 7th June, 1988. We, therefore, direct

the respondents to regulate the rate of payment in accordance with Office Memorandum F.No.49014/2/86-Estt(C) dt. 7.6.88 of the Dept. of Personnel & Training.

6. With the above directions we dispose of this O.A. with no order as to costs.

Balasubramanian - *T. Chandrasekhar Reddy*
(R. Balasubramanian) (T. Chandrasekhar Reddy)
Member(A). Member(J).

7.2
Dated: 30 July, 1992.

8/8/92
Deputy Registrar(J)

To

1. The General Manager, Union of India, Telecommunications, New Delhi.
2. The Chief General Manager, Telecommunications, A.P.Circle, Triveni Complex, Hyderabad-A.P.
3. The Dist. Manager, Telecommunications, Mahaboobnagar Division, Mahaboobnagar.
4. The Divisional Engineer (T) Telecommunications, Mahaboobnagar.
5. The S.D.O. Telecommunications, Mahaboobnagar.
6. One copy to Mr. V. Jogayya Sarma, Advocate 5-1-896/6. Putli Bowli, Hyd.
7. One copy to Mr. N. V. Ramana, Addl. CGSC. CAT. Hyd.
8. One spare copy.

2nd copy
pvm.