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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD @

O.A. No. 190691.

Dt. of Decision : 13.7.94.

Sri. Ch. Brahman

.. Applicant.

Vs

1. The Sub-Divisional Officer,
Telecom, Tadepalligudem-534 101.
2. The Telecom District Manager,
Eluru - 534 050.
3. The Chief General Manager, Telecom,
A.P., Hyderabad - 500 001.
4. 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, Addl. CGSC.

CORAM:

THE HON'BLE SHRI A.V. HARIJASAN : MEMBER (JUDL.)

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

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O R D E R

(As per the Hon'ble Sri A.B. Gorthi, Member (A))

The applicant states that he was initially engaged as a Casual Mazdoor w.e.f. 1-1-82 and he worked continuously with usual intermittent breaks till May, 1985. Due to sickness he could not report for work till February, 1986. The applicant states that he submitted a medical certificate and he was taken back to work on 25-3-86. During the one year ending 28-3-90 the applicant was in employment for more than 300 days. However, he ^{was} served with a notice of termination on 26-2-90 and subsequently his services were terminated w.e.f. 28-3-90. His prayer in this application is for a direction to the respondents to continue him in service and to consider his case for regularisation.

2. The respondents in their reply affidavit have not refuted the material averments made by the applicant, but they stated that his services had to be terminated because it was found that there was a break in his engagement after 30-3-85.

3. Heard learned counsel for both the parties. Sri C. Suryanarayana, learned counsel for the applicant has stated that in view of the judgement of the Principal Bench in O.A.No.529/88, the decision of the respondents to terminate the services of the applicant merely on the ground that there was a break in service after 30-3-85 is not in order. It is for the respondents to consider the break in service and to take a decision about its condonation. In view of the facts of the case, this OA may be disposed of with the

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following directions to the respondents.

(1) As the applicant is now continuing as casual mazdoor, he will not be retrenched unless there is no work and so long as his juniors are retained.

(2) On a request made by the applicant, the respondents shall consider the question of condoning the breaks in service, firstly from May, 1985 to February, 1986 and again from the date of his termination of engagement on 28-3-90 till his reinstatement on 3-4-91.

(3) Taking into consideration the continuous period of service rendered by the applicant as casual mazdoor, his case will be considered by the grant of temporary status and for his subsequent regularisation in accordance with the extant scheme/instructions.

The O.A. is ordered accordingly. No order as to costs.

(A.B. Gorthi)
Member (A)

(A.V. Haridasan)
Member (J)

Dt. 13-7-1994
Open Court dictation

Deputy Registrar(Judl.)

Copy to:-

1. The Sub Divisional Officer, Telecom, Tadepalligudem-101.
2. The Telecom District Manager, Eluru-050.

Copy

3. The Chief General Manager, Telecom, A.P. Hyderabad-001.
4. The Director General, Telecom, (representing Union of India New Delhi-001.
5. One copy to Sri. C.Suryanarayana, advocate, CAT, Hyd.
6. One copy to Sri. M.V.Ramana, Addl. CGSC, CAT, Hyd.
7. One copy to Library, CAT, Hyd.
8. One spare copy.

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In the C.A.T. Hyd Bench,
at Hyd. ✓

Hon. Mr. A.V. Murugan J.M.
Hon. Mr. A.B. Gowri, A.M. ✓

Judgment dt. 13/7/94. ✓

O.A. 190/91. ✓

Disposed of with directions ✓
No order as to costs. ✓

19/7/94.

[Signature]

