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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH : AT HYDERABAD

DA 325/91.

Dt. of Order:15-3-94.

K.Gopal

...Applicant

Vs.

1. The Telecom Distt. Engineer,
Mahabubnagar-509 050.
2. The Chief General Manager,
Telecom, AP, Hyd-1.
3. The Director General, Telecom,
(representing Union of India),
New Delhi-110 001.

...Respondents

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Counsel for the Applicant : Shri C.Suryanarayana

Counsel for the Respondents : Shri N.R.Devraj, Sr.CGSC

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CORAM:

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

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

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....2.

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(34)

ORDER

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

The applicant was initially engaged as a Casual Worker against a Group D vacancy in March 1985 in the Office of Telecom District Engineer, Mahabubnagar. He continuously worked as such till 30th April 1986. Thereafter, he fell sick and remained absent. He remained sick due to Pulmonary Tuberculosis as certified by the District TB Officer, Mahabubnagar. After fully recovering, he reported to the authorities concerned in 1991, but he was not taken back to duty. His claim in this application is, that he be reinstated as he had worked for more than 240 days in one year preceding his sickness and that he should be granted temporary status and also be regularised in his turn.

2. The respondents, in their reply affidavit, have not seriously disputed the fact that the applicant did work from March 1985 to April 1986. They however urged that the applicant absented from his work without any justification and without informing any official concerned. It is further contended on behalf of the respondents that if the individual could regularly attend the TB centre at Mahabubnagar, he could as well have gone to the office of the Telecom District Engineer in the same town and informed the officers concerned of his sickness. Neither he informed them nor did he submit even a leave application.

22/4/94
g.c.

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3. We have heard learned counsel for both the parties. Mr. C.Suryanarayana learned counsel for the applicant asserted that in view of the fact that the applicant had worked continuously for more than 240 days, the respondents should have granted him temporary status and should not have denied him the benefit of re-engagement when he reported back to duty in 1991 after he was fully cured. It is further submitted by the applicant's counsel that the respondents be directed to condone the absence of the applicant from 1986 to 1991. Opposing this plea, the respondent's counsel stated that the competent authority has the power to condone the absence for a period not exceeding one year only.

4. In A. Mohanan Vs Union of India 1993 (2) ATJ 1 it was decided that condonation of break in service beyond one year also can be allowed by the competent authority if it is satisfied of the validity of the grounds for such condonation. In the instant case, the applicant Annexed to the application a number of Medical Certificates purporting to have been issued by some Government Doctors. It is for the concerned officials to examine these with a view to ascertain whether those were genuine and if so whether the applicant was indeed suffering from TB. Taking into consideration this and other facts the competent authority may decide the question as to whether the break in service should or should not be condoned.

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3/20/95
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Copy to:-

1. The Telecom Dist. Engineer, Mahabubnagar-050.
2. The Chief General Manager, Telecom, A.P.Hyd-1.
3. The Director General, Telecom, (representing Union of India), New Delhi-001.
4. One copy to Sri. C.Suryanarayana, advocate, CAT, Hyd.
5. One copy to Sri. N.R.Gevareaj, Sr. CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

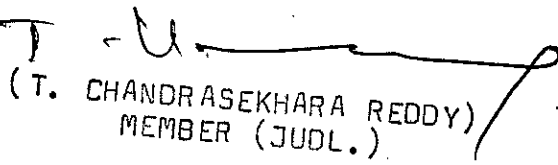
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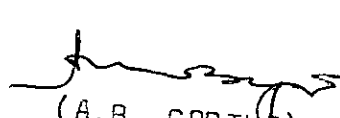
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5. Notwithstanding the above, the fact remains that the applicant had worked for more than 240 days during 1985 - 86. Accordingly this OA is disposed of with the following directions to the respondents:-

- 1) The name of the applicant shall be entered in the Live Casual Labour Register.
- 2) The case of the applicant for re-engagement as Casual Labour shall be considered, and the applicant will be re-engaged as Casual Labour provided there is work and keeping in view the number of days of service rendered by him.
- 3) His case for grant of temporary status, and for regularisation will be considered in accordance with the extant scheme / instructions.

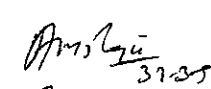
6. The OA is ordered accordingly. No order as to costs.


(T. CHANDRASEKHARA REDDY)
MEMBER (JUDL.)


(A.B. GORTHI)
MEMBER (ADMN.)

Dated : The 15th March 1994.
(Dictated in Open Court)

spr


Dy. Registrar (Judl.)

Contd. --- 57 ---

O.A. 325/91

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE-CHAIRMAN

AND

THE HON'BLE MR. A. B. GORTHY : MEMBER (A)
AND

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

AND

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

Dated: 15/3/1994.

ORDER/JUDGMENT: _____

M.A./R.A./C.A. No. _____

In

O.A.No.

325/91

T.A.No.

(W.P.No. _____)

Admitted and Interim Directions
issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs.

pvm

