

(22)

Central Administrative Tribunal

HYDERABAD BENCH : AT HYDERABAD

O.A. No. 369/91.

Date of Decision : 11-6-99.

T.A. No. -

G.Venkatanna

Petitioner.

Shri C.Suryanarayana

Advocate for the
petitioner (s)

Versus

The Sub-Divisional Officer, Telecom.,
Tadpatri-515411 & 3 others

Respondent.

Shri N.V.Ramana,
Addl. CGSC

Advocate for the
Respondent (s)

CORAM :

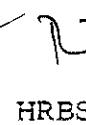
THE HON'BLE MR. J.Narasimha Murthy : Member (Jud1)

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

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships 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)

No


HJNM
M(J)


HRBS
M(A)

23

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No.369/91.

Date of Judgment 11.6.91.

G.Venkatanna

.. Applicant

Vs.

1. The Sub-Divisional Officer, Telecom., Tadpatri-515411.
2. The Telecom. District Manager, Anantapur-515050.
3. The Chief General Manager, Telecom., A.P., Hyderabad-500001.
4. The Director-General, Telecom., (representing Union of India), New Delhi-110001. .. Respondents

Counsel for the Applicant : Shri C.Suryanarayana

Counsel for the Respondents: Shri N.V.Ramana,
Addl. CGSC

CORAM:

Hon'ble Shri J.Narasimha Murthy : Member(Jud1)

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

I Judgment as per Hon'ble Shri R.Balasubramanian,
Member(Admn) I

This application has been filed by Shri G.Venkatanna under section 19 of the Administrative Tribunals Act, 1985 against the Sub-Divisional Officer, Telecom., Tadpatri-515411 and 3 others.

2. The applicant was employed as Casual Mazdoor from 1984 onwards till the end of 1990. There was a break in his service for about 1 year and 9 months between June, 1986 and March, 1988. While the applicant was eagerly awaiting conferment of temporary status and eventual regularisation, the respondents viz: the Telecom. District Engineer, Anantapur vide his letter No.E-16-15/I/73 dated 2.5.90 had denied the applicant the temporary status on the ground that he had a break in service for more than a year between June, 1986 and March, 1988. In the same letter it was directed that the services of those casual mazdoors like the applicant may be dispensed with immediately. Accordingly, the services of the applicant were dispensed with from 1.1.91. The applicant made a representation to the Telecom. District Manager, Anantapur on 27.2.91 and it was rejected by the Telecom. District Manager, Anantapur on 25.3.91. Hence this petition praying:

- (a) that the break in service should be deemed to have been condoned,
- (b) that the applicant is entitled for absorption in his turn with all the benefits of seniority, and
- (c) that he is entitled to back-wages from the date of his termination till the date of his reinstatement.

3. The application ~~just~~ having been admitted on 15.4.91 only on 15.4.91 there was no counter affidavit and the case was heard on 23.4.91.

4. At the time of admission of the application itself as well as during the hearing, the learned counsel for the applicant Shri C. Suryanarayana stated that this is covered by O.A.No.367/88 and batch cases. The main argument of the learned counsel for the applicant was that in terms of the D.G.P&T's letter No.20-11/77-SR/STN dated 10.10.80 the Divisional Engineer has to condone the break in service when claimed on medical grounds. If this issue is settled, the applicant will get the benefit of temporary status and also regularisation in his turn. We find from para 6 of the judgment in O.A.No.367/88 and batch that the same counsel had raised this question in some of those cases also. The Bench directed the respondents to pass orders in accordance with the instructions issued by the D.G.P&T in their letter of 10.10.80 and such other instructions as have been issued by the D.G.P&T from time to time. In this case also we issue the same direction to the respondents. The respondents may then decide other issues depending on their decision regarding the break.

5. The services of the applicant stand terminated from 1.1.91. As in the case of O.A.No.367/88 (para 4 of the judgment), we direct the respondents to re-engage the applicant in accordance with his seniority subject to the availability of work and also to extend such of the benefits as per D.G.P&T's letters issued from time to time taking into consideration the judgment of the Supreme Court after preparing the seniority list/conferment of temporary status as per the above circulars.

6. As for the back-wages, the applicant is free to take up the legality or otherwise of the case of his termination before the Industrial Tribunal. Hence our passing an order now does not arise. This direction is also in ^{line} ~~accordance~~ with the direction given by the Bench in the case of O.A.No.367/88.

7. With the above direction we dispose of the application with no order as to costs.

MS
(J.Narasimha Murthy)
Member(Judl).

R.Balasubramanian
(R.Balasubramanian)
Member(Admn).

Dated

10th June 91

D. Deo 17/6/91.
P.M. Deputy Registrar(J)

To

1. The Sub-Divisional Officer, Telecom, Tadipatri - 411.
2. The Telecom District Manager, Anantapur - 050
3. The Chief General Manager, Telecom. A.P., Hyderabad-1.
4. The Director General, Telecom, Union of India, New Delhi-1.
5. One copy to Mr.C.Suryanarayana, Advocate, CAT.Hyd.Bench.
6. One copy to Mr.N.v.Ramana, Addl.CGSC.CAT.Hyd.Bench.
7. One copy to Mr.R.Balasubramanian; Member(Admn)CAT.Hyd.
8. One copy to Mr.J.Narasimha Murty, Member (J)CAT.Hyd.
9. One spare copy.

pvm

W. Deo 17/6/91.

ASR
17/6/91

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH:HYDERABAD

THE HON'BLE MR. B. N. JAYASIMHA: V.C.
AND

THE HON'BLE MR. D. SURYA RAO: M(J).
AND

THE HON'BL MR. J. NARASIMHA MURTHY: M(J)
AND

THE HON'BLE MR. R. BALASUBRAMANIAN (A)

DATED: 10 ~~2~~ 6-1991.

ORDER → JUDGMENT.

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

in

T.A. No.

W.P. No.

O.A. No. 369/91

Admitted and Interim directions
issued.

Allowed.

Disposed of with direction.

Dismissed.

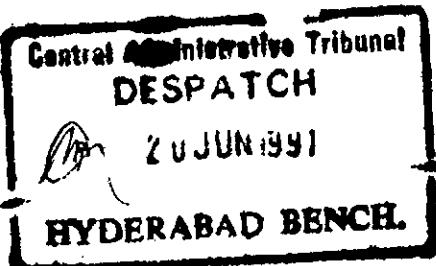
Dismissed as withdrawn.

Dismissed for default.

M.A. Ordered/Rejected.

No order as to costs.

ASR
17/6/91



Despatch