

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : AT HYDERABAD.

* * *

C.A. 507/91.

Dt. of Decision : 26.4.1994.

K. Eswara Reddy

.. Applicant.

Vs

1. The Sub-Divisional Officer,
Telecom, Dharmavaram-515 672.
2. The Telecom District Manager,
Anantapur - 515 050.
3. The Chief General Manager,
Telecom, AP, 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.B. GORTHY : MEMBER (ADMN.)

THE HON'BLE SHRI T. CHANDRASEKHARA REDDY : MEMBER (JDDL.)

(28) (30)

O.A.No.507/91

Dt. of order: 26-4-1994.

Judgement

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

The applicant ~~was~~ is a Matriculate and had his name registered with the Employment Exchange. He worked as casual mazdoor as per the details shown below.

From 1-10-84 to .. Under SDOT, Dharmavaram
30-4-85 ..

June to July, 1985..Under SDOP, Anantapur
Sep.85 .. JET, Kadiri

Oct. and Nov.85 .. SDOT, Hindupur

Thereafter he could not continue to work as a casual mazdoor as he was suffering from Pulmonary TB. After he was declared fit for duty he was reengaged w.e.f. 1-11-89. He worked continuously for about 289 days.till 31-8-90, but notwithstanding the same his services were disengaged from 1-9-90. His prayer is for a direction to the respondents to reinstate him in service with consequential benefits and for consideration of his case for grant of temporary status.

2. No counter affidavit has been filed, but we have heard learned counsel for both the parties. There does not seem to be any dispute atleast as regards the fact that the applicant worked for about 289 days. In pursuance of the interim order of the Tribunal he has been reengaged and is working since June, 1991. Keeping in view this fact, this application can be disposed of with the following directions to the respondents.

- (i) The respondents shall consider the question of condoning the break in service taking into consideration his submissions made by the applicant in his representation dt. 21-2-91. In this connection, it may be noted by the respondents that the Ernakulam

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Bench of the Tribunal had held that the Competent Authority could condone the break in service even if the break was for a period of more than one year, provided the circumstances of the case justified such condonation.

- (ii) The applicant will be continued to be engaged as casual mazdoor so long as there is work. His retrenchment, if any, shall be only in accordance with the principle of Last come and ~~First~~^{1st} basis.
- (iii) The respondents shall consider the case of the applicant for grant of temporary status, and for his subsequent regularisation in accordance with the extant scheme/instructions.

3. No order as to costs.

(T. Chandrasekhara Reddy)
Member (J)

(A.B. Gorthi)
Member (A)

Dated 26-4-1994
Dictated in Open Court

kmv

Prabhu
3-58u
Deputy Registrar(Judl.)

Copy to:-

1. The Sub Divisional Officer, Telecom, Dharmvaram-672.
2. The Telecom District Manager, Anantapur-050.
3. The Chief General Manager, Telecom, A.P.Hyd-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. N.V.Ramana, Addl. CGSC, CAT, Hyd.
7. One copy to Library, CAT, Hyd.
8. One spare copy.

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O.A. No. 507/91

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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 (AD)

AND

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

AND

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

Dated: 26/4/1994

ORDER/JUDGMENT

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

O.A.No.

in

T.A.No.

(w.p.)

Admitted and Interim Directions
Issued.

Allowed

Disposed of with directions

Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs.

