

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.636/91

Date of Order: 10.3.94

BETWEEN:

T.Maddileti

.. Applicant.

A N D

1. The Sub-Divisional Officer,
Telecom., Gadwal - 509 125.
2. The Telecom District Engineer,
Mahabubnagar - 509 050.
3. The Chief General Manager,
Telecom, A.P., Hyderabad - 1.
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

CORAM:

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

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

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Order of the Division Bench delivered by
Hon'ble Shri A.B.Gorthi, Member (Admn.).

The applicant was initially engaged as a casual mazdoor from 7.7.1984 by the Sub-Divisional Officer, Telecom, Gadwal (Respondent No.1). In 1984-85 he worked for a total of 283 days. Subsequently, again engaged by Respondent No.1 in August 1988 and he continuously worked till the end of August 1990 for a total of 535 days. His services however were terminated w.e.f. 1.9.1990. His claim in this application is for a direction to the respondents to reengage him and to confer upon temporary status ^{and to absorb him} ~~to the absorption~~ in regular establishment.

2. The respondents in their reply affidavit have stated that the applicant worked for 28 days in 1984, 76 days in 1985, 103 days in 1988, 230 days in 1989 and 109 days in 1990. The respondents thus ~~will~~ not dispute that the applicant worked for more than 535 days during 1988-1990 ^{but} they seem to contend that in 1984-1985, the applicant worked for a lesser number of days than alleged by the applicant in the OA. The applicant in support of his contention regarding the number of days of work done by him annexed to the OA copies of the extract from the days ~~book~~ showing the details of the number of days of his engagement. The respondents ought to have ^{ref} verify this with a view to see whether ^{the entries} they are correct or not.

To

1. The Sub Divisional Officer, Telecom, Gadwal-509 125.
2. The Telecom District Engineer, Managubnagar-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.
6. One copy to Mr.N.v.Ramana, Addl. AGSC.CAT.Hyd.
7. One copy to Library, CAT.Hyd.
8. One spare copy.

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3. In any case there is no dispute that the applicant worked for more than 535 days and thus became eligible for grant of temporary status. Learned counsel for the applicant has stated that the respondents terminate the services of the applicant w.e.f. 1.9.1990, without authority and without justification. The termination should therefore be declared as illegal and the applicant should be given the benefit of intervening period from 1.9.1990 till the date of his reinstatement for the services of counting his seniority and continuity in service. In the ~~extant~~ ^{without} case we are unable to exceed to the request of the applicant's counsel for the reason that there is nothing on record to show that the termination of the service of the applicant w.e.f. 1.9.90 is illegal.

4. The facts of the case clearly indicate that the applicant did work for more than 535 days, even during the period of 1988-1990 and as such became eligible for temporary status. In view of this, this OA may be disposed of with the following directions :-

- (a) The name of the applicant shall be entered in the casual labour register taking into consideration the number of days of service rendered by him as stated by him in this OA.
- (b) If anyone junior to him ~~as~~ since been engaged the applicant ~~who~~ shall be re-engaged as soon as work becomes available.
- (c) The case of the applicant for grant of temporary status and subsequent regularisation/absorption shall be considered by the respondents in accordance with his seniority and as per the extant instructions.

There shall be no order as to costs.

(T.CHANDRASEKHARA REDDY)
Member (Judl.)

(A.B.GORITHI)
Member (Admn.)

Dated : 10th March, 1994
(Dictated in Open Court)

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Amulya
Deputy Registrar (Jr.)

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.GORTHI : MEMBER(AD)

AND

THE HON'BLE MR.TCCHANDRASEKHAR REDDY
MEMBER(JUDL)

AND

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

Dated: 10-3-1994

ORDER/JUDGMENT

M.A/R.A./C.A./NO.

in

O.A.NO.

636/91

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.

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