

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH.

O.A. No. 647/1991.

Date: 21.7.1993.

Between:

K. Rajaih

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Applicant

And

1. The Sub-Divisional Officer, Telecom, Guntakal-515 801.
2. The Telecom District Engineer, Anantapur - 515 050.
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



HEARD:

For the applicant

: Sri C. Suryanarayana, Advocate.

For the respondents

: Sri V. Rajeshwara Rao, Advocate  
for Sri N.V. Remana, Addl. CGSC

CORAM:

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

THE HON'BLE MR. P.T. THIRUVENGADAM, MEMBER (ADMN.)

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(JUDGMENT OF THE DIVISION BENCH DELIVERED BY HON'BLE SRI  
JUSTICE V. NEELADRI RAO, VICE-CHAIRMAN)

The applicant was recruited as Casual Mazdoor at Peddapally in Karimnagar District on 1.6.1983 and he worked there in different spells till 30.4.1985. It is stated that he was sick from May, 1985 to May, 1986 and re-gained health

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on 1.6.1986. As he belongs to Guntakal, Anantapur Telecom District he requested for employment in the said District. It is further his case that he worked at Guntakal from July 1986 to April, 1990 and he worked for more than 240 days in each of the years and <sup>he was</sup> ~~that~~ he was employed for nearly 2 months on cyclone works.

2. The further case of the applicant is that Telecom District Engineer, Anantapur instructed R-1 to retrench the applicant by stating that he was not in service from 1.6.1989, and accordingly his services were terminated with effect from 13.6.1990.

3. No counter is filed though this O.A. was adjourned number of times. It is not now in controversy that the direction of the ~~Govt. of India~~ Supreme Court [ AIR 1987 SC 2342 ] for formulation of the scheme for absorption of the casual labour and also for conferment of temporary status pending absorption is equally applicable even for the casual labour engaged subsequent to 30.3.1985. This can be seen from the unreported Judgment of ~~Govt. of India~~ Supreme Court of India in W.P. No. 1280/89 and batch.

4. It has to be noted that the applicant had also come up with a prayer for back-wages. It is submitted that in number of cases disposed-of by this Bench the question as to whether the casual labour is entitled to the back-wages in cases of termination contrary to the directions of the Hon'ble Supreme Court. <sup>was</sup> ~~For not considering~~ <sup>and hence</sup> ~~this~~, the applicants therein filed Review Petitions and they are pending. It is further stated that in some other

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matters the Second Court of this Bench also had left it open for consideration. As the counter is not filed, and facts alleged in the O.A. are not admitted, and when it can be stated that the applicant had to be re-instated if his juniors are working, it is not just and proper to further delay the disposal of the O.A. Hence, we feel that it is also proper to leave the question of back-wages open even in regard to this application for consideration, if R.A. is going to be filed.

5. It has to be made clear that for the purpose of fixation of seniority the services rendered in Anantapur Telecom District alone have to be taken into consideration. As such, for fixing the seniority of the applicant in Telecom District, Anantapur, services rendered by him in Karimnagar Dist. should not be taken into consideration.

6. In the result, R-1 is directed to engage the applicant if his juniors are working and temporary status has to be conferred till the date of absorption, if he is entitled to the temporary status as per the scheme evaluated in pursuance of the directions of the Supreme Court referred-to supra. The question of back-wages is left open for consideration if R.P. is going to be filed. No costs.

**CERTIFIED TO BE TRUE COPY**

Date: 20/10/2002  
 Court Officer  
 Central Administrative Tribunal  
 Hyderabad Bench  
 Hyderabad.

1. The Sub Divisional Officer, Telecom, Guntakal-801
2. The Telecom District Engineer, 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, C.A.T. Hyd.
6. One copy to Mr.N.V.Ramana, Addl CGSC, CAT.Hyd.
7. One copy to Library, CAT.Hyd.
8. One spare copy.

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