

(34)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : AT HYDERABAD

OA 708/91 & OA 183/92.

Dt. of Order: 28-4-94.

Mohammed Ali

...Applicant (in both the OAs)

Vs.

1. The Director General, Telecom,
(rep. Union of India),
New Delhi-110 001.
2. The Chief General Manager,
Telecom, AP, Hyd-1.
3. The Telecom District Engineer,
Mahaboobnagar-509 050.
4. The Sub-Divisional Officer,
Telecom, Mahaboobnagar-509 001.

...Respondents (in OA 708/91)

1. The A.E.Phones, Group 6,
Mahabubnagar-509 001.
2. The Telecom District Engineer,
Mahabubnagar-509 001.
3. The Chief General Manager,
Telecom, AP, Hyd-1.
4. The Chairman, Telecom Commission,
(rep. Union of India),
New Delhi-110 001.

...Respondents (in OA 183/92)

Counsel for the Applicant : Shri C.Suryanarayana

Counsel for the Respondents : Shri V.Bhimanna, Addl.CGSC

CORAM:

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

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

DA 708/91 & DA 183/92.

Dt. of Order: 28-4-94.

(Order of the Divn. Bench passed by
Hon'ble Shri A.B.Gorthi, Member (A)).

* * *

By means of this order we are disposing of
both DA 708/91 and DA 183/92 filed by Mr.Mohd.Ali (the
applicant).

2. The applicant states that he was initially
employed as a Casual Mazdoor on 20-2-1982 and he worked
continuously for 594 days till the end of November, 1983.
After prolonged treatment he recovered and approached
the authorities concerned for re-engagement. Consequently
he was re-engaged as Casual Mazdoor w.e.f. 1-6-1990.
As he worked continuously for one year and was not re-
regularised he filed O.A.708/91 seeking a direction to the
Respondents to confer upon him Temporary Status and also
to absorb him regularly in Group 'D' post.

3. During the pendency of O.A.708/91 the services
of the applicant were terminated w.e.f. 1-3-1992. Aggrieved
by the same he filed O.A.183/92 seeking re-engagement with
consequential benefits. At the time of admission of O.A.
183/92 an interim direction was given to engage the
applicant as a casual labour if there was work and if
juniors to him are continued.

4. No counter has been filed by the Respondents in either of the Original Applications. We have however heard learned counsel for both the parties at considerable length on the merits of the case. There is no dispute as to the period/work ^{of} as Casual Labour by the applicant. In any case, the applicant was re-engaged on 1-6-1990 and he worked continuously till he was dis-engaged w.e.f. 1-3-1992. In view of this, both the applications are disposed-of with the following directions to the Respondents :-

(i) The name of the applicant shall be kept in the Casual Labour Register keeping in view the number of days of service rendered by him as a Casual Labour under the Respondents;

(ii) It is open to the Respondents to consider the case of the applicant for condonation of break in service in accordance with the extant instructions and keeping in view the judgment of the Ernakulam Bench of the Tribunal in the case of A. Mohan Vs. Govt. of India through Dept., of Telecom (1993 (2) ATJ page-1), wherein it was held that break in service even ~~beyond~~ exceeding one year also could be considered for condonation on merits;

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(iii) The applicant will be re-engaged if there is work in preference to his juniors and freshers;

(iv) The case of the applicant for grant of Temporary Status and regularisation will be considered by the Respondents in accordance with the scheme/instructions.

5. O.A.708/91 and O.A.183/92 are thus disposed of.

No order as to costs.

T. Chandrasekhar Reddy,
(T. CHANDRASEKHAR REDDY),
Member (J)

A. B. Gorthi
(A. B. GORTHI)
Member (A)

Dt. 28th April, 1994.
Dictated in Open Court.

Pratap
Dy. Registrar (J & A)

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Copy to:-

1. The Director General, Telecom, (rep. Union of I) New Delhi-001.
2. The Chief General Manager, Telecom, A.P. Hyderabad.
3. The Telecom District Engineer, Mahaboobnagar-050.
4. The Sub Divisional Officer, Telecom, Mahaboobnagar.
5. The A.E. Phones, Group 6, Mahaboobnagar-001.
6. The Chairman, Telecom Commission, (rep. Union of I) New Delhi-001.
7. One copy to Sri. C. Suryanarayana, advocate, CAT.
8. One copy to Sri. V. Bhimanna, Addl. CGSC, CAT.
9. One copy to Library, CCAT, Hyd.
10. One spare copy.

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2nd slip
P of 3, 22/24
T.S.

OA-708791-183192

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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.TOCHANDRASEKHAR REDDY
MEMBER(JUDL)

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

Dated: 28/4/1994

ORDER/JUDGMENT

E.A/R.A./C.A./No.

O.A.No. 7087914-183192
in

P.A.No.

(W.P.)

Admitted and Interim Directions
Issued.

Allowed

Disposed of with ~~directions~~
Central Administrative
DESPATCH

Dismissed.

Dismissed as withdrawn 2 JUN 1994

Dismissed for default HYDERABAD B

Rejected/Ordered.

No order as to costs.

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