

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : AT HYDERABAD.
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D.A. 709/91 & DA 184/92.

Dt. of Decision : 28.4.94.

Farookh Ahmed

Applicant.

vs

1. The Director-General, Telecom
(representing Union of India)
New Delhi - 110 001.
2. The Chief General Manager,
Telecom, AP, Hyderabad-500 001.
3. The Telecom District Engineer,
Mahaboobnagar - 509 050.
4. The Sub-Divisional Officer, Telecom,
Mahaboobnagar - 509 001. Respondents.

Counsel for the Applicant : Mr. C. Suryanarayana

Counsel for the Respondents : Mr. N.V. Raghava Reddy,
Addl. CGSC.

CORAM:

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

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

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OA 709/91 & OA 184/92.

Dt. of Order: 28-4-94.

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

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The applicant was initially engaged as a
Casual Mazdoor under the Respondents on 6-9-1985.

During 1985-86 and 1987 he had worked for short spells
with long intermittent breaks. The applicant states
partly
that it was/on account of his sickness and partly for
want of work that he was engaged ^{only} for short spells during
this period. However, he was engaged again on 8-2-88 and
he worked continuously for 555 days till 8-11-1989, when
his services were dis-engaged. Four months thereafter
he was again engaged in March, 1990, for a period of
25 only. Thereafter though he continued to be employed,
his name was not shown on Muster Rolls. Consequently
he ~~has~~ approached the Tribunal with O.A.709/91. During
the pendency of the O.A. the applicant's services were
terminated w.e.f. 1-3-1992. Aggrieved by the same he
has filed O.A. 184/92 seeking a direction to the
Respondents to re-engage him with all consequential
benefits.

2. No counter affidavit has been filed by the
Respondents in either of the two Original Applications.
However, having heard learned counsel for both the

parties we are disposing of both the Original Applications by means of this common order.

3. Admittedly, the applicant ~~has~~ worked for certain spells during 1985-86 and 1987 under the Respondents. In any case he was re-engaged on 8-2-1988 and he continued to work till his services were disengaged w.e.f. 1-3-1992. In view of this, we dispose of both the Original Applications 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;

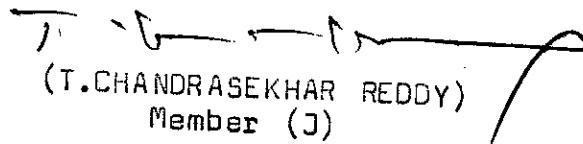
(ii) it is open to the Respondents to consider the case of the applicant for condonation of break in service in accordance with the extant instructions and keeping in view the judgment of the Ernakulam Bench of the Tribunal in the case of A. Mohan Vs. Govt. of India through Dept., of Telecom (1993 (2)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

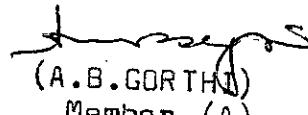
(iii) the applicant will be re-engaged if there is work in preference to his juniors and freshers;

(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.

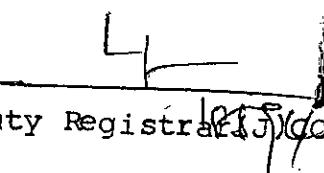
4. Both O.A.709/91 and O.A.184/92 are thus disposed-of.

No order as to costs.


(T.CHANDRASEKHAR REDDY)
Member (J)


(A.B. GORTHI)
Member (A)

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


Deputy Registrar (J) (S)

To avl/

1. The Director General, Telecom, Union of India, New Delhi-1.
2. The Chief General Manager, Telecom, A.P. Hyderabad-1.
3. The Telecom District Engineer, Mahaboobnagar-050.
4. The Sub Divisional Officer, Telecom, Mahaboobnagar-1.
5. One copy to Mr.C.Suryanarayana, Advocate, CAT.Hyd.
6. One copy to Mr.N.V.Raghava Reddy, Addl.CGSC. CAT.Hyd.
7. One copy to Library, CAT.Hyd.
8. One spare copy.

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*H. The 28th April 1994
P.V.M.*