

(22)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH
AT HYDERABAD.

O.A.NB. 835 of 1992.

Between

Dated: 21.3.1995.

S. Iramia

...

Applicant

And

1. The Divisional Engineer, Co-Axial Maintenance, Rajahmundry.
2. The Telecom District Manager, Rajahmundry.
3. The Chief General Manager, Telecom, A.P. Hyderabad.
4. The Chairman, Telecom Commission (representing Union of India), Sanchara Bhavan, New Delhi.

...

Respondents

Counsel for the Applicant : Sri. C. Suryanarayana

Counsel for the Respondents : Sri. N.V. Raghava Reddy, Addl. CG

ODRAM:

Hon'ble Mr. A.V. Haridasan, Judicial Member

Hon'ble Mr. A.B. Gerthi, Administrative Member

Contd: ...2/-

(23)

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D.A. 835/92.

Dt. of Decision : 21-3-95.

ORDER

¶ As per Hon'ble Shri A.B. Gorthi, Member (Admn.) ¶

The applicant who is a metriculate and who had his name registered in the District Employment Exchange, Kakinada was initially engaged as a Casual Mazdoor in Co-axial Cable Project at Mangapat on 01-06-1986. Eversince he continued to work as a Casual Mazdoor continuously under the respondents except for the period from October 1989 to August 1990, when he was retrenched for want of work. Even now the applicant is continuing as a casual mazdoor and his grievance is that he was not confirmed temporary status nor was ~~considered~~^{he} regularly absorbed in Group-D post, although juniors to him have been granted temporary status. The relief prayed for is that his name be shown in the seniority list of casual mazdoors of East Godavari Telecom District ^{at} of an appropriate place, ^{keeping} in view the number of days of service rendered by the applicant, and that he ~~also~~^{be} considered for grant of temporary status and regularisation in accordance with extant instructions.

2. The respondents in their reply affidavit have not refuted the facts that the applicant was working as a casual mazdoor eversince 01-06-1986 continuously with certain breaks. The main contention of the respondents is that as he was engaged after 30-03-1985, his engagement was contrary to the ban orders imposed thereafter, and as such, he was not being considered for grant of temporary status/regularisation.

Copy to:-

1. The Divisional Engineer, Co-Axial Maintenance, Rajahmundry.
2. The Telecom District Manager, Rajahmundry.
3. The Chief General Manager, Telecom, A.P. Hyderabad.
4. The Chairman, Telecom Commission (representing Union of India), Sanchar Bhavan, New Delhi.
5. One copy to Sri. C. Suryanarayana, advocate, CAT, Hyd.
6. One copy to Sri. N.V. Raghava Reddy, Addl. CGSC, CAT, Hyd.
7. One copy to Library, CAT, Hyd.
8. One spare copy.

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3. Shri C.Suryanarayana, learned counsel for the applicant has placed reliance on the judgement of the Supreme Court in Daily Rated Casual Labour in P&T Vs. Union of India & Others AIR 1987 SC 2342 and Ramgopal & Others Vs. Union of India & Others in W.P.(C) No.1280/89 which are to the effect that the administrative decision to retrench all casual mazdoor employees after 01-04-1985 no longer holds good and that no distinction can be drawn between casual labour engaged prior to and after 01-04-1985 in the matter of consideration of their cases for grant of temporary status and for regularisation.

4. The applicant specifically alleged that some casual labours junior to him were granted temporary status. In reply to the said averment, the respondents stated that as the said casual labourers approached the Tribunal in OA.Nos.675/90, 815/90, 816/90, 817/90 and 818/90, they were granted temporary status in compliance with the directions contained in the judgements in the said OAs.

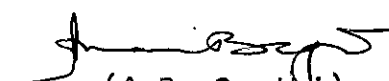
5. There is no justification for the respondents to deny the applicant temporary status merely on the plea that he did not approach the Tribunal. Therefore we allow this OA with the following directions to the respondents:-

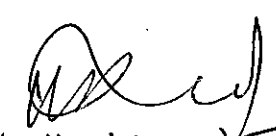
1) The name of the applicant shall be shown in the seniority list of casual labour taking into consideration the number of days of service rendered by him.

2) He shall be considered for grant of temporary status from a date when his junior was given such status.


3) The case of the applicant shall be considered for regularisation in accordance with ^{his} the seniority and as per extant scheme/instructions.

6. The OA is ordered accordingly. No order as to costs.


(A.B. Gorthi)
Member(Admn.)


(A.V. Haridasan)
Member(Judl.)

Dated : The 21st March 1995.
(Dictated in Open Court)


24. Registrar (7)

In the CAT Hy Bench
at Hyd.

Am Mr. HAVH m (3)

&

Am Mr. HABH m (A)

Judgment dt. 21/3/95

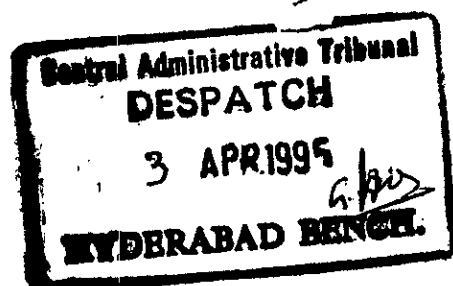
in

OA. 83/92

OA. is ordered
accordingly.

No order as to
costs.

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