

(35)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH
AT HYDERABAD

D.A. NO. 658/92

Between:

Date of Decision: 22.2.95.

S.Garadabai

...Applicant.

And

1. The Sub Divisional Officer,
Phones, Kurnool - 518 001.
2. The Telecom District Manager,
Kurnool - 518 001.
3. The General Manager, Telecom,
Hyderabad Area, C.T.O.,
Secunderabad.
4. The Chief General Manager, Telecom,
Andhra Pradesh,
Hyderabad - 500 001.
5. The Director General, Telecom,
represented by Union of India,
New Delhi - 110 001.

...Respondents.

Counsel for the Applicant ; Mr.C.Suryanarayana

Counsel for the Respondents ; Mr.N.V.Ramana, Addl.CGSC.

CORAM:

THE HON'BLE SHRI A.V.HARIDASAN : MEMBER (J)

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

contd...

O.A.No.658/92

Date of Order: 22.2.95

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

Aggrieved by the notice of termination issued by the Sub-Divisional Officer, Phones, Kurnool the applicant has ^{come to} ~~prayed~~ the Tribunal with a prayer to set aside the impugned notice dated 8.7.92 and to ^{the} direct the respondents to continue to engage ~~him~~ as a casual Mazdoor.

2. The applicant states that she was initially engaged as a part-time Sweeper-cum-Water woman w.e.f. 1.1.84 in place of her mother who was not keeping good health. Subsequently the respondents engaged her from 1.5.85 till 31.3.90 continuously as a part-time casual labour. W.e.f. 1.4.90 she was engaged as a full-time casual mazdoor and she served ^{for} 275 days in 1990, 365 days in 1991 and 182 days in 1992 prior to service of notice upon her.

3. When this application came up for admission an interim direction was given to the respondents "to continue to engage the applicant if there is work and if juniors to the applicant are engaged". We are now informed that in compliance with the said interim order the applicant was allowed to continue as a casual mazdoor.

4. The respondents in their reply affidavit have stated that she was not engaged as a part-time Sweeper-cum-Water woman prior to 31.3.85. As her engagement was w.e.f. 1.5.85, the impugned notice of termination

Copy to:

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Phones, Kurnool - 518 001.
2. The Telecom District Manager,
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Secunderabad.
4. The Chief General Manager,
Telecom, Andhra Pradesh,
Hyderabad - 500 001.
5. The Director General, Telecom,
Union of India, ~~new Delhi - 50~~.
6. One copy to Mr.C.Suryanarayana, Advocate,
CAT, Hyderabad.
7. One copy to Mr.N.V.Ramana, Addl. GSC,
CAT, Hyderabad.
8. One copy to Library, CAT, Hyderabad.
9. One spare copy.

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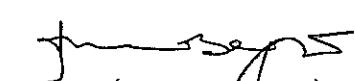
was served upon her in accordance with the extant instructions. The respondents however admit that even prior to the issuance of the notice to the applicant her case was taken up for grant of temporary status. The respondents have further reiterated that some casual labour engaged after 30.3.85 ^{are} ~~were~~ being considered by the DOT, New Delhi for grant of temporary status and that the applicant is one such casual mazdoor.

5. From the above it would be evident that the impugned notice served upon the applicant has become rather infructuous with the re-engagement of the applicant as casual mazdoor and ~~that~~ ^{as} her case for grant of temporary status is already under consideration by the appropriate authority.

6. Taking into consideration the above factual situation, this OA is disposed of with the following directions to the respondents:-

- (1) The applicant shall be continued as a casual mazdoor and if her retrenchment becomes inescapable it shall be in accordance with the principle of last come first go.
- (2) Her case ~~for~~ grant of temporary status and subsequent regularisation shall be considered by the respondents in accordance with her seniority and as per the extant scheme/instructions.

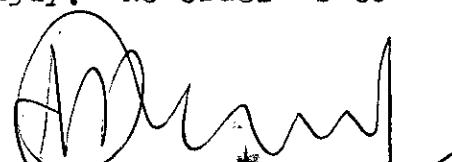
O.A. is ordered accordingly. No order as to costs.


(A.B. GORTHI)
Member (Admn.)

Dated: 22nd February, 1995

(Dictated in Open Court)

sd


(A.V. HARIDASAN)
Member (Jud.)

Deputy Registrar (J)

Contd...

TYPED BY
CHECKED BY

COMPARED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

THE HON'BLE MR.A.V.HARIDASAN : MEMBER (C)

AND

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

DATED : 22.2.95

ORDER/JUDGEMENT.

M.A/R.P/C.P.No.

in

D.A.N. 658/92

Admitted and Interim directions
issued

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default.

Rejected/Ordered

No order as to costs.

YLKR

