

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : AT HYDERABAD

DA 38/92.

Dt. of Order: 17-1-95.

V. Satyanarayana Raju

.. Applicant

Vs.

1. The Sub-Divisional Officer,
Telecommunications,
Tadepalligudem-534 101.
2. The Telecom Distt. Manager,
Eluru - 534 050.
3. The Chief General Manager,
Telecommunications, AP,
Hyderabad-1.
4. The Director General, Telecom,
(Representing Union of India),
New Delhi - 110 001.

.. Respondents

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Counsel for the Applicant : Shri C. Suryanarayana

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

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CORAM:

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

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

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OA 38/92.

Dt. of Order: 17-1-95.

(Order passed by Hon'ble Shri A.B.Gorthi,
Member, (A)).

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The applicant was initially engaged as a Casual Mazdoor with effect from 1-9-81 under the Respondent No.1. From the details of the service rendered by the applicant as furnished in the Original Application, the applicant had served for more than 240 days continuously during the year 1981-82 and again 1983-84. Notwithstanding the same, the applicant was dis-engaged after he had worked for 24 days in January, 1990. Aggrieved by the same, he had approached the Tribunal in OA 116/91 and it was disposed of with a direction ~~to~~ that the applicant should make a representation and that the same be disposed of by the competent authority. As his representation dt. 30-5-91 remained unanswered, he filed the present Original Application with a request that his seniority as Casual Labourer should be reckoned ~~from~~ ^{and} from 1-9-81 that he should be considered for grant of temporary status and regularisation in accordance with the extant scheme keeping in view his seniority.

2. When this Original Application came up for admission on 27-2-92, an interim order was given directing the Respondents to engage the applicant on casual work provided there was work. We are now informed by the learned counsel for the applicant that in compliance of the said interim direction, the Respondents have since re-engaged the applicant and that the applicant is continuing even as on today as casual labourer.

(31)

The main contention raised by Sri C.Suryanarayana, learned counsel for the applicant ^{is} that keeping in view the fact that the applicant was initially engaged in 1981 and that he had rendered more than 240 days of service in the year 1981-82 and in 1983-84 and that the applicant is continuing as Casual Labourer after his re-engagement, he should be immediately considered for grant of temporary status.

3. The Respondents, despite having been given sufficient opportunity, have not come forward with a reply affidavit. We had the benefit of Sri N.V.Raghava Reddy, counsel for the Respondents.

4. From the facts averred in the Original Application it would be clear that the applicant did complete 240 days of service, as already stated supra, in 1981-82 and again in 1983-84. He was however, not given any work thereafter except that he had worked for a short period in 1990. Once again on the basis of the interim direction given by the Tribunal, he was re-engaged in 1992. Taking into consideration the facts of the case and the details of the service rendered by the applicant as a Casual Labourer since 1981, this Original Application ~~can be~~ disposed of with the following directions to the Respondents :-

(a) the applicant shall be continued as a casual labour so long as there is work and if retrenchment becomes inescapable, it shall be on the principle of last come first go;

(b) taking into consideration the number of days of service rendered by the applicant,

his case for grant of temporary status and subsequent regularisation shall be considered by the respondents in accordance with the extant scheme/rules.

5. The Original Application is ordered accordingly. No order as to costs.

Handwritten
(A.B.GORTHI)
Member (A)

Handwritten
(A.V.HARIDASAN)
Member (J)

Dt. 17th January, 1995.
Dictated in Open Court.

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Handwritten
27-1-95
DEPUTY REGISTRAR (J)

TO

1. The Sub Divisional Officer, Telecommunications, Tadepalligudem - 534 101.
2. The Telecom District Manager, Eluru - 534 050.
3. The Chief General Manager, Telecommunications, AP, Hyderabad.
4. The Director General, Telecom, Union of India, New Delhi - 110 001.
5. One copy to Mr.C.Suryanarayana, Advocate, CAT, Hyderabad.
6. One copy to Mr.N.V.Raghava Reddy, Addl.CGSC, CAT, Hyderabad.
7. One copy to Library, CAT, Hyderabad.
8. One spare copy.

YLKR

Handwritten signature