

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH

AT HYDERABAD

O.A. No. 593 OF 1992

Between:

S. Khaja Miya  
and 4 Others

Applicants

And

The Union of India rep. by the  
Director General, Telecommunications,  
New Delhi-110 001

COUNTER AFFIDAVIT FILED ON BEHALF OF ALL THE RESPONDENTS

I, K. Gopala Krishna, S/o K.R.J. Rao aged about 52 years, Occupation: Government Service, do hereby affirm and state as follows:

1. I am working in the Respondents Organisation and as such I am fully acquainted with all facts of the case. I am filing this Counter Affidavit on behalf of all the Respondents as I have been authorised to do so. The material averments in the O.A. are denied, save those that are expressly admitted herein. The applicant is put to strict proof of all such averments except those that are specifically admitted hereunder:

2. It is submitted that Sri Shaik Khaja Miya & 4 others, the applicants herein were engaged as Casual Mazdoors after 31-3-85 purely on casual basis. They were provided with work as and when available. They were disengaged from work as they had not fulfilled

1st Page:

Corrs:

*Attestor*  
एहायक इंजीनियर (ए.सी.)

Assistant Engineer (L.C.)

महाप्रबन्धक दूरसंचार, डॉ. प. का. कायलिय

Chief General Manager, Telecom, A.P.

Hyderabad-500 001.

*Deponent* सहायक महाप्रबन्धक (प्रभारी)

Asst General Manager (Admn)

महाप्रबन्धक दूरसंचार का कार्यालय

Chief General Manager Telecom, A.P.

Hyderabad-500 001.

Andhra Pradesh, Hyderabad-500 001

(CCW)

the conditions to work as casual mazdoors as stipulated in Supreme Court Judgement regarding absorption/regularisation of casual mazdoors. Accordingly, they were disengaged from work.

3. At the time of their engagement, they were told that they would be disengaged, if there is no work available for them.

4. The applicants services were disengaged as there was no work. The applicant's contention that they were disengaged from work retaining their juniors is not correct. The applicants are put to strict proof of the same. Even if the applicants show any stray case where a Junior to them is continued or engaged, it could be an inadvertent mistake and steps would be immediately taken to disengage such person. If such mistake is brought to light, it would be a case to correct the mistake but not giving the benefit of engagement of the applicants. It is therefore reiterated that the applicants were among other things were disengaged for want of work and no junior to them is engaged as the junior cannot have better right than the applicants.

5. As stated in earlier paras, the applicants were provided with work as and when available. Since the applicants does not fulfil the conditions as stipulated

2nd Page:

Corrs:

*Attestor*  
हायक इजोनियर (ए.सि.)  
Assistant Engineer (L.C.)

महा प्रबन्धक दूरसंचार, ओ. प. का कार्यालय  
Chief General Manager, Telecom, A.P.  
शहरबाद Hyderabad-500 001.

*Deponent*  
सहायक महाप्रबन्धक (प्रशासन)  
Asst. General Manager (Admn)  
महा प्रबन्धक दूरसंचार का कार्यालय  
O/o the Chief General Manager Telecom  
आंध्र प्रदेश, हैदराबाद-500 001.  
Andhra Pradesh, Hyderabad-500 001

In the C.A.T.  
Wyd Bench

OA 593/92

Counter Affidavt



S  
2/2/93

Filed by -  
N. R. Devraj  
Sr. C.S.S.