

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH: AT
HYDERABAD.

C.A.NO. 653/92

DATE OF JUDGMENT: 30.6.95

BETWEEN:

P.PAPARAYUDU

APPLICANT

AND

1. The SDC Phones, Kurnool-518004.
2. The Telecom District Engineer,
o/o TDM, Kurnool-518001.
3. The General Manager,
Telecom, Hyderabad Area,
Secunderabad-3.
4. The Chief General Manager,
Telecom,
A.P., Hyderabad-1.
5. The Director General Telecom,
(representing Union of India),
New Delhi-110001.

RESPONDENTS

COUNSEL FOR THE APPLICANT: SHRI C.SURYANARAYANA

COUNSEL FOR THE RESPONDENTS: SHRI N.R.DEVARAJ
Sr/~~XXXX~~.CGSC.

CORAM:

HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN

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

O.A.NO.653/92.

JUDGMENT

Dt: 30.6.95

(AS PER HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN)

Heard Shri C.Suryanarayana, learned counsel for the applicant and Shri N.R.Devaraj, learned standing counsel for the respondents.

2. The applicant was engaged as casual labourer in the x vacancy reserved for Physically Handicapped in the office of R-I by the order dated 7.1.1986. He was removed by R-I by his memo.A2/SLR/92-93/5, dated 8.7.1992. It is challenged in this OA.
3. By the interim order dated 4.8.1992, R-I was directed to continue to engage the applicant if there is work and if juniors to the applicant were engaged, until further orders. It is stated for the applicant that in pursuance of the said interim order, the applicant was continued and he also attained temporary status.
4. In para-5 of the reply statement, filed in this OA, it was alleged that the applicant was disengaged as there was no work, and also in view of the D.O.T. instructions. But it was not made clear in the said reply statement about the year of those instructions.

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But in the impugned order dated 8.7.1992, the following
Circulars/Letters/G.O.s
~~orders~~ are referred to:-

"D.G.Circular No.270/684-8 TH, dated 30.3.85 read with O.M.No.49014/18/84 Estt(1), dated 25.5.85 of Department of Personnel and Training circulated through D.G.Telecom, New Delhi letter No.269/40/85-STN, dated 14.6.85 and G.M.T., Hyderabad No.TA/STA/9-2/I, dated 25.6.1985 and No.TA/STA/9-1/IV/Rlgs/KW, dated -8-84."

This Bench already held that there should not be any discrimination between those who are engaged prior ~~to~~ or later to 30.3.1985.

5. The D.O.T. order dated 22.6.1986 makes it clear that no casual mazdoor should be removed from service perse on the ground that he was not sponsored by the Employment Exchange if the employment was prior to 22.6.1986. The appointment of the applicant herein was made prior to 22.6.1986. Further, it is submitted for the applicant that he was sponsored by the Employment Exchange.

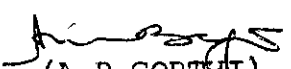
6. Even the interim order dated 4.8.1992 makes it clear that the applicant should be continued to be engaged if there is work and if junior to him are engaged. In the circumstances, we feel that the

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said interim order has to be treated as final order in this OA. It is needless to say that ^{applicant's} ~~his~~ case has to be considered for absorption as and when his turn comes as per the extant rules.

7. The OA is ordered accordingly. No costs.//


(A.B. GORTHI)
MEMBER (ADMN.)


(V. NEELADRI RAO)
VICE CHAIRMAN

DATED: 30th June, 1995.
Open court dictation.


Deputy Registrar (J) CC

vsn

To

1. The SDO Phones, Kurnool-4.
2. The Telecom District Engineer,
O/o TDM, Kurnool-1.
3. The General Manager, Telecom,
Hyderabad Area, Secunderabad-3.
4. The Chief General Manager, Telecom,
A.P. Hyderabad-1.
5. The Director General Telecom, Union of India,
New Delhi-1.
6. One copy to Mr.C.Suryanarayana, Advocate, CAT.Hyd.
7. One copy to Mr.N.R.Devraj, Sr.CGSC.CAT.Hyd.
8. One copy to Library, CAT.Hyd.
9. One spare copy.

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIB.
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE CHAIRMAN

A N D

~~THE HON'BLE MR. R. RANGARAJAN:~~ (M(ADMN))
A B Gorthi

DATED 30/6/ 1995.

~~ORDER/JUDGMENT:~~

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

OA.No. in

653/92

TA.No.

(W.P.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

No order as to costs.

No. Spare copy

