

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.775/92

Date of Order: 2.12.94

BETWEEN:

M.Thimmanna

.. Applicant.

A N D

1. The Sub-Divisional Officer,  
Telecom, Guntakal-515 801.
2. The Telecom District Manager,  
Anantapur - 515 050.
3. Shri G.V.Gopichandran,  
General Manager, Telecom,  
Hyderabad Area, CTO Compound,  
Secunderabad - 500 003.
4. The Chief General Manager,  
Telecom, Andhra Pradesh,  
Hyderabad - 500 001.
5. Shri H.P.Wagle, Director-General,  
Telecom (representing Union of  
India), New Delhi - 110 001.

.. Respondents.

Counsel for the Applicant

.. Mr.C.Suayanarayana

Counsel for the Respondents

.. Mr.N.R.Devraj

CORAM:

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

HON'BLE SHRI A.B.GORTHY : MEMBER (ADMN.)

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

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The applicant was initially engaged as a part-time Casual employee w.e.f. 1.5.86. Subsequently vide order dt. 30.11.90 issued by the Sub Divisional Officer Telecom, Guntakal the applicant was absorbed as a Full Time Casual Mazdoor w.e.f. 1.12.90. While he was working continuously as a full time casual mazdoor he was served with the impugned notice dt. 18.8.92 stating that his services as a full time casual mazdoor would be dispensed with on expiry of 30 days from the date of notice. Aggrieved by the same he approached the Tribunal with a request that the impugned order be set aside and that the respondents be directed to continue him as a casual mazdoor with consequential reliefs.

2. At the time of admission of the OA an interim direction was given to the respondents not to give affect to the impugned notice dt. 30.11.90. Consequently the applicant is continuing as a full time casual mazdoor under the respondents.

3. No reply affidavit has been filed by the respondents but we have heard Mr.N.R.Devraj, learned standing counsel for the respondents.

4. Mr.C.Suryanarayana, learned counsel for the applicant states that as the applicant had been continuously working as a full time casual mazdoor w.e.f. 1.12.90 the respondents were not justified in issuing the impugned

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Copy to:-

1. The Sub-Divisional Officer, Telecom, Guntakal-801.
2. The Telecom District Manager, Anantapur-050.
3. *The* General Manager, Telecom, Hyderabad Area, C.T.O. Compound, Secunderabad-003.
4. The Chief General Manager, Telecom, A.P. Hyderabad-001.
5. *The* Director General, Telecom (representing Union of India), New Delhi-001.
6. One copy to Sri. C. Suryanarayana, advocate, CAT, Hyd.
7. One copy to Sri. N.R. Devaraj, Sr. CGSC, CAT, Hyd.
8. One copy to Library, CAT, Hyd.
9. One spare copy.

Rsm/-

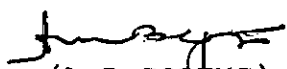
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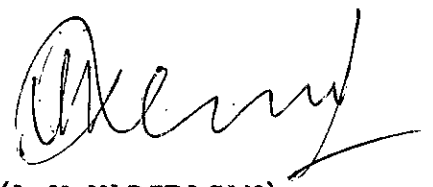
notice for termination of the applicant's services. His contention is that the respondents issued the said notice for no other reason than that he was recruited after 30.3.85. It has been held in several judgements of the Tribunal that casual mazdoor could not be classified into 2 categories, namely, those who <sup>were</sup> ~~are~~ recruited prior to 30.3.85 and <sup>those</sup> ~~thus~~ engaged after that date.

5. In view of what is stated above this OA is ordered with the following directions to the respondents:-

1. The applicant shall be continued as a full time casual mazdoor so long there is work.
2. If the retrenchment of the applicant becomes necessary it can be done only in accordance with the extant instructions and the principles of last come first go.
3. The case of the applicant for grant of temporary status/regularisation shall be considered by the respondents in accordance with the extant scheme.

No order as to costs.

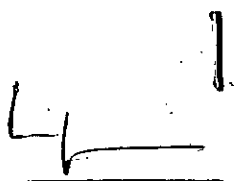
  
(A.B. GORTHI)  
Member (Admn.)

  
(A.V. HARIDASAN)  
Member (Judl.)

Dated: 2nd December, 1994

(Dictated in Open Court)

sd

  
Dy. Registrar  
21/12/94

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DA-775/92

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Approved by

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

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

AND

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

DATED: 2/12/94

ORDER/JUDGMENT.

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

O.A.NO.

in  
775/92

~~T.A.NO.~~

Admitted and Interim Directions  
issued.

Allowed.

~~Disposed of with Direction.~~

Dismissed.

Dismissed as withdrawn

Dismissed for default

Rejected/Ordered

~~No order as to costs.~~

*No spare copy*

YLKR

