

(29)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.821-of 1993

DATE-OF-ORDER:-19th-December,-1996

BETWEEN:

G.RAVI

.. APPLICANT

AND

1. The Sub Divisional Officer, Telecom,
Peddapalli 505 172,

2. The Telecom District Engineer,
Karimnagar 505 050,

3. The General Manager, Telecom,
Warangal 506 012.

.. Respondents

COUNSEL FOR THE APPLICANT: SHRI C.SURYANARAYANA

COUNSEL FOR THE RESPONDENTS: SRI N.R.DEVARAJ, Sr.CGSC

CORAM:

HON'BLE SHRI R.RANGARAJAN, ADMINISTRATIVE MEMBER

HON'BLE SHRI B.S.JAI PARAMESHWAR, JUDICIAL MEMBER

JUDGEMENT

ORAL ORDER (PER HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.))

None for the applicant. Heard Shri Satyanarayana for Shri N.R.Devaraj, learned senior standing counsel for the respondents.

2. No reply has been filed inspite of the repeated adjournments to file the reply. In view of this, the oA is disposed of on the basis of the material available on record under Rule 15(1) of the C.A.T.(Procedure) Rules,



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1987.

2. The facts of the case as enumerated by the applicant are as follows:-

The applicant was employed as Casual Mazdoor in Peddapalli Sub Division with effect from 1.2.90 and he was attached to the Stores Lineman in R-1's office in the year 1990. The applicant was employed for 301 days during 1990, 334 days during 1991 and during 1992 he was employed for the whole year. While serving so, he filed representation on 14.8.92 for regularisation of his services as per the Supreme Court's direction reported in AIR 1987 SC 2342. He also relies on the directions of the Principal Bench of the Tribunal in the judgment dated 4.5.88 in OA 529/88 to state that no distinction could be drawn between the Mazdoor recruited on or after 30.3.85 as a class of employees and those who were recruited before that date as another class of employees. Hence the judgment of the Apex Court referred to above equally applies to him also though he was recruited after 30.3.85. It is stated that as the applicant submitted representation for regularisation, his services were terminated with effect from 1.1.93 without notice and without payment of any other terminal benefits.

4. This OA is filed praying for direction to reinstate him in service with back wages and continuity of service with effect from 1.1.93 and include his name in the seniority list of Casual Mazdoors as on 1.2.90 in

Karimnagar Telecom District from the date from which he was continuously employed as Casual Mazdoor or at least from the date on which he had completed 240 days of work within the first year of service. He further prays for direction to regularise his services according to his turn and grant him temporary status as per the orders of DoT dated 7.11.89.

5. An interim order was passed in this OA on 20.7.93. As per this interim order, "Until further orders, R-1 has to engage the applicant if his juniors are working".

6. From the averments of the applicant in this OA, it is not known whether the applicant was engaged as a sponsored candidate by the Employment Exchange or without following the recommendations of the Employment Exchange. ^{per} AS The instructions existed in the Dept. of Telecom, ~~for~~ those who are appointed after 20.6.88 without being sponsored by the employment Exchange, ~~and~~ those engagements cannot be considered as regular engagement of Casual Labour. In the absence of any reply from the respondents, these points cannot not be considered.

7. The applicant submits that he was discharged, ^{He is now in a job.} because of his representation for regularisation. Hence his case for regularisation can be considered only after he is reinstated and Temporary Status is awarded to him. In the absence of his reinstatement, no orders for regularisation can be given. Under the circumstances quoted above, the


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only direction that can be given is to make the interim order final. Accordingly we make the interim order dated 20.7.93 final. If the applicant is reinstated into service, his case for granting Temporary ^aSt_cus should be considered in accordance with the rules of the Department and his regularisation should also be considered in accordance with the rules.

8. With the above directions, the OA is disposed of.

No order as to costs.



(B.S. JAI PARAMESHWAR)
JUDICIAL MEMBER

19/12/86



(R. RANGARAJAN)
ADMINISTRATIVE MEMBER

DATED: -19th-December, -1996
Dictated in the open court.

Am. 19/12/86
Dy. Registrar (S)

vsn

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3/1/97

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN: M(A)

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR:
M(J)

DATED:

14/2/96

ORDER/JUDGEMENT

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

O.A. NO.

in

821/93

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED

~~DISPOSED OF WITH DIRECTIONS~~

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

~~NO ORDER AS TO COSTS.~~

II COURT

YLKR

