

(24)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO. 837 OF 1993

DATE OF ORDER: - 5th November, 1996

BETWEEN:

1. R.Radhakrishna Murthy .. Applicants
2. A.Bujji Babu

AND

1. Union of India represented by the
Director General, Telecom,
New Delhi 110 001,
2. The Chief General Manager, Telecom,
A.P.Circle, Hyderabad,
3. The Sub Divisional Officer,
Telecom Sub Division,
Chirala 523 115,
4. The Assistant Engineer, External Phones,
Nellore 524 001. .. Respondents

COUNSEL FOR THE APPLICANTS: SHRI J.V.LAKSHMANA RAO

COUNSEL FOR THE RESPONDENTS: SRI V.BHIMANNA, ADL.CGSC

CORAM:

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

HON'BLE SHRI B.S.JAI PARAMESHWAR, MEMBER (JUDL.)

JUDGMENT

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

Heard Shri Yegender Singh for Shri J.V.Lakshmana Rao, learned counsel for the applicants and Shri V.Bhimanna, learned standing counsel for the respondents.

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2. The facts of this case are as follows:-

There are two applicants in this OA. The first applicant was engaged as Casual Mazdoor by SDOT, Gudur on 7.7.81 and he worked upto 29.6.82 for 362 days. He was disengaged from 30.6.82 and after a lapse of 7 years, he Chirala in Ongole Division and he is still on the rolls. The claim of granting Temporary Status to the Casual Labour was introduced with effect from 1.10.89. As per that scheme, the applicants who were having one year of continuous service as on 1.10.89 out of which they must have been engaged on the work for a period of 240 days, shall be granted Temporary Status. As the 1st applicant is not fulfilling the above said condition, he was not considered for granting Temporary Status. However, it is stated in the reply statement that the case of the 1st applicant will be considered for grant of Temporary Status in his turn on the basis of his service from 14.5.90. In view of the above submission, no direction is necessary for grant of Temporary Status in the case of the 1st applicant. His case will be considered when he fulfills the condition in this connection. There is no need to give any direction as the respondents themselves have conceded that his case would will be considered as and when the question of grant of Temporary Status to the 1st applicant arises.

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3. The 2nd applicant was engaged as Casual Mazdoor in April 1984 and there was uncondonable break in service from 1.8.84 to 31.3.86. As this was more than a year, the respondents submit that this break cannot be condoned. However, he was reengaged with effect from 1.4.86 and he is still on the rolls. In terms of the scheme introduced with effect from 1.10.89, the 2nd applicant fulfills the condition for grant of Temporary Status. Hence his case should have been considered by now. In any case the respondents submit that the question of granting Temporary Status will be considered on the basis of his service from 1.4.86 in accordance with the relevant provisions. ^{Handle} and no direction is necessary except directing the respondents to expedite ~~expect~~ the decision in the case of the 2nd applicant. The case of the 2nd applicant for grant of Temporary Status should be decided by R-2 within a period of three months from the date of receipt of a copy of this order. The 2nd applicant can submit a representation in regard to the condonation of break in service which ^{may} ~~will~~ be considered in accordance with the rules.

5. The OA is disposed of as above. No costs.

प्रमाणित प्रति
CERTIFIED TO BE TRUE COPY

न्यायालय अधिकारी
COURT OFFICER
केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Officer
हैदराबाद दिल्ली
HYDERABAD DENCE

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Copy to:-

1. The Director General, Telecom, Union of India, New Delhi.
2. The Chief General Manager, Telecom, A.P.Circle, Hyderabad.
3. The Sub Divisional Officer, Telecom Sub Division, Chirala.
4. The Assistant Engineer, External Phones, Nellore.
5. One copy to Sri. J.V.Lakshmana Rao, Advocate, CAT, Hyd.
6. One copy to Sri. V.Bhimanna, Addl. CGSC, CAT, Hyd.
7. One copy to Library, CAT, Hyd.
8. One spare copy.

Rsm/-

27/11/93

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OA 837/93

Typed By
Compared by

Checked By
Approved by

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN: M(A)
Hm Mr B.S. Joshi (Permanent M(A))

DATED: 27/11/93

ORDER/JUDGEMENT
R.A./C.P./M.A. NO.

O.A. NO. 837/93

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS.

YLKR

II COURT

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
डेस्पैच/DESPATCH

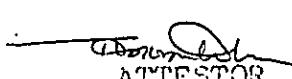
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HYDERABAD BENCH

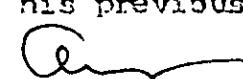
sys. From 30-6-82 onwards, the Applicant was absent and continued and accordingly he was not on the rolls. After a lapse of 7 years, he was again engaged as casual mazdoor on 14-5-90 by the SDOT, Chirala of Ongole Division and he is still on the rolls. The Scheme of granting temporary status to the casual labourers has been introduced w.e.f. 1-10-89. Only those casual labourers who were currently employed as on 1-10-89 with one year continuous service, out of which they must have been engaged on work for a period of 240 days, shall be granted temporary status. The First Applicant was not currently employed as on 1-10-89 and there was no continuous one year service prior to 1-10-89. Due to this reason, the question of granting temporary status on the basis of the service rendered by the 1st Applicant from 7-7-81 to 29-6-82, does not arise. Apart from this reason, the service from 7-7-81 to 29-6-82 was rendered by the 1st Applicant before he attained the age of 18 years. It was boy service and will not be counted. He will be considered for grant of temporary status in his turn on the basis of his service from 14-5-90.

4. The Second Applicant was engaged as casual mazdoor in Nellore Division in April 1984 and there was break in service from 1-8-84 to 31-3-86 at a stretch. He was re-engaged w.e.f. 1-4-86 and still on the rolls. As per the prescribed procedure as confirmed in C.G.M. Telecom. Hyderabad letter No. TA/RE/20-13/12 dated 24-9-90, that for grant of temporary status, the casual mazdoor should not have break in service for more than one year which cannot be condoned. His re-engagement from 1-4-86 was therefore treated as fresh engagement as his previous

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corrs.


ATTESTOR

विधि अधिकारी
Law Officer
म. स. व. देवराम ए. व. व., क. कार्यालय
0/o Chief General Manager, Telecom, A.P.
हैदराबाद Hyderabad-500 001


DEPONENT

सहायक नियोजक विधायक (प्रभासन)
Asst General Manager (Admin)
म. स. व. देवराम ए. व. व. का कार्यालय
0/o Chief General Manager, Telecom
वा. प्रदेश, हैदराबाद-500 001
Andhra Pradesh, Hyderabad-500 001