

(17)

CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:  
HYDERABAD

Contempt Petition No.69/94 in  
ORIGINAL APPLICATION NO.1075 of 1993

Date of decision: 29-3-96

N.S.S.S.R. Venkateswara Rao ..... APPLICANT(S)


Versus


1. Sri P. Khan, Chief General Manager  
Telecom, AP Circle, Hyderabad & 2 others ..... RESPONDENT(S)

FOR INSTRUCTIONS

1. Whether it be referred to the Reporters  
or not?
2. Whether it be circulated to all the  
Benches of C.A.T. or not?

(R. Rangarajan)  
Member (Admn.)



  
(M.G. Chaudhari)  
Vice Chairman/Member ( ).

(18)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH  
AT HYDERABAD

CP.69/94 in OA.1075/93

dt.29-3-96

Between

N.S.S.S.R. Venkateswara Rao, : Petitioner

and

1. Sri P. Khan  
Chief GM Telecom  
A.P. Circle, Hyderabad

2. Sri R.N. Srinivasan  
GM Telecom (District)  
Vijayawada 520010

3. Sri P. Balagangadharan Rao  
Divisional Manager (Telecom)  
E-10B Exchange, Vijayawada : Respondents

Counsel for the applicant : V. Venkateswara Rao  
Advocate

Counsel for the respondents : V. Bhimanna, Addl. CGSC

CORAM

HON. MR. JUSTICE M.G. CHAUDHARI, VICE CHAIRMAN

HON.MR. RANGARAJAN, MEMBER (ADMN.)

**Judgement**

( As per Hon. Mr. Justice M.G. Chaudhari, V.C. )

Heard Sri V. Venkateswara Rao, learned counsel for the applicant and Sri V. Bhimanna, learned counsel for the respondents.

2. It is not a case for contempt. By order dated 3-9-1993 in the OA, the respondents were directed to engage the applicant as a casual mazdoor if similarly circum-stanced applicants in the unit are working as casual mazdoors. Consequent on reengagement, his case should be considered for conferment of temporary status,

..2.

*[Signature]*

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regularisation etc. as per the prevailing rules and instructions. The direction thus was if any of the juniors of the applicant were already working then he has to be given reengagement before other persons are reengaged. If on the other hand his juniors were not working then the case of the applicant was to be considered for engagement as per his turn in the seniority list. It is alleged by the applicant that there are juniors already working. Under the order, he had to be reengaged if possible before any one else was reengaged. The respondents have stated in their reply that in pursuance of the order of the Tribunal, the applicant was engaged in the expansion work in the unit E-10B from 1-1-1994 to 25-3-1994, on condition of the work and as there was no need after 25-3-1994, for engaging casual mazdoors, he had to be disengaged. They have stated that the position was clearly explained to the applicant and his father when they had filed a representation. It was made clear to them that no casual mazdoor junior to the applicant was engaged and that as and when there would be need for engaging mazdoors, the applicant will be engaged. They have stated that the work on which the applicant was reengaged was completed and there was no need for further casual mazdoors and they had taken decision not to engage further. However, they have assured that there <sup>was</sup> ~~are~~ some possibility in E-10B unit <sup>and</sup> ~~as~~ and when there is need, the department can consider reengaging the applicant on casual basis. They submit that continuous work, however, cannot be given to him.

..3.

*hmk*


They also stated that if necessary, the applicant had to move to other places ~~also~~ as and when the work warrants. The order of the Tribunal was for reengaging the applicant and cannot be read as directing his continuous engagement even where work is not available because otherwise it would be granting regularisation. Since the respondents had reengaged the applicant there has been compliance with that part of the order. There is no contempt by breach of the order. As far as further reengagement of the applicant is concerned, we are satisfied <sup>with</sup> ~~that~~ the assurance given by the respondents and they will be bound by the same. Turning to the next part of the order, it is merely directed consideration of the case of the applicant for grant of temporary status and thereby regularisation. The respondents have categorically stated in para-6 of the reply that the applicant is not eligible for grant of temporary status, for the reasons mentioned in that paragraph. In the rejoinder, the contents in reply to para-6 imply that the applicant wants to raise the dispute that since he was denied work earlier, he could fulfil the required number of days and that is not his fault. That, however, does not amount to effectively rebutting the statement made by the respondents that the applicant is not eligible to the grant of temporary status. That apart, it was necessary <sup>for</sup> to the applicant to apply to the respondents to grant him temporary status were to be rejected ~~that~~ he could seek redressal from

✓ this Tribunal. The proper forum <sup>for</sup> to the applicant to  
✓ file his representation <sup>was before</sup> to the respondents to claim  
temporary status by disclosing his eligibility and if  
that be disputed by the respondents, the respondents will  
✓ have to say so in reply to the said representation. We, <sup>are</sup>  
✓ therefore, ~~are~~ not satisfied <sup>that</sup> with any ground is disclosed  
to proceed in contempt ~~with the applicant~~. Hence,  
✓ without prejudice to the rights of the applicant to file  
a representation as indicated, the petition is dismissed.

  
(R. Rangarajan)  
Member (Admn.)

  
(M.G. Chaudhari)  
Vice Chairman

Dated : March 29, 96  
Dictated in Open Court

  
Deputy Registrar (D) CC.

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