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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

O.A.No.1424/93

Date of Order: 3.2.94

BETWEEN :

M.Prasada Rao

-- Applicant.

A N D

1. The General Manager, Telecom,  
Guntur Area, Guntur, Guntur Dist.
2. The Asst. Director, Telecom,  
Guntur Area, Guntur Dist.
3. Asst. Divisional Engineer,  
Telecom, Piduguralla, Guntur Dist.

-- Respondents.

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Counsel for the Applicant

-- Mr. M.Vijay Kumar

Counsel for the Respondents

-- Mr. N.R.Devraj, Esq. C.C.S.

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CORAM:

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

HON'BLE SHRI T.CHANDRASEKHARA REDDY (JUDL.)

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*SKR*

Order of the Division Bench delivered by  
Hon'ble Shri A.B.Gorthi, Member (Admn.).

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The applicant, having been sponsored by the Employment Exchange, was initially engaged as a Mazdoor on 9.5.78 in the P&T Dispensary, Guntur. He continued to work as a casual mazdoor for various spells and in different offices of the Telecom Department till 1985 with certain breaks. Thereafter he remained absent and the respondents dis-engaged him from service. On the intervention of the Labour Court he was re-engaged as a casual mazdoor by the respondents w.e.f. 29.8.91. He is continuing to work as such even as on today. In this application his prayer is two-fold. Firstly he seeks regularisation in the Telecom department against a Group-D vacancy and secondly he requests that he be assigned indoor work and not outdoor.

2. We have heard learned counsel Mr. Vijay Kumar, learned counsel for the applicant firstly contended that keeping in view the long spells of the service rendered by the applicant with the respondents, the applicant is entitled to be absorbed in a Group-D post as junior to the applicant have already been since regularised. As regards the applicant's request having assigned indoor work, he says that it was entirely due to the physical state of the applicant and not for any other reason.

3. Mr. N.R.Devraj, Standing Counsel for the respondents states that the applicant on his own stop work even in 1978 but was thereafter re-engaged in 1981. Once again when the case of the applicant was under consideration for regularisation in 1985 and when he was called upon to produce all

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(31)

the relevant certificates, he absented himself and did not report for duty. The applicant had to be re-engaged because of the order he obtained from the Labour Court. After his re-engagement w.e.f. 29.8.91 the applicant has been continuing to work as a casual mazdoor under the respondents.

4. In view of the brief facts of the case as afore-stated we may partly allow this application with a direction to the respondents to consider the case of the applicant for regularisation keeping in view his seniority and strictly in accordance with the extant scheme/instructions. As regards the applicant's request for being assigned <sup>upon & the</sup> indoor work only, this is a matter open which administrative authority should take a decision after examining all the relevant factors. It is open to the applicant to make a proper representation in this regard to the authority concerned who, <sup>as is</sup> expected, will consider the same objectively and fairly and pass appropriate orders.

No order as to costs.

(T. CHANDRASEKHARA REDDY)  
Member (Judl.)

(A. B. GOWRI)  
Member (Admn.)

Dated: 3rd February, 1994

(Dictated in Open Court)

File No. 3394  
Deputy Registrar (J)

To

1. The General Manager, Telecom, Guntur Area, Guntur, Guntur Dist.
2. The Assistant Director, Telecom, Guntur Area, Guntur Dist.
3. The Assistant Divisional Engineer, Telecom, Piduguralla, Guntur Dist.
4. One copy to Mr. M. Vijay Kumar, Advocate, A.P.A.T. Advocates' Assn., Hyderabad.
5. One copy to Mr. N. R. Devraj, Sr. OGSC. CAT. Hyd.
6. One copy to Library, CAT. Hyd.
7. One spare copy.

pvm

3rd Feb 1994

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE M.R. J. J. VICE V.NEELADRI RAO  
VICE-CHAIRMAN

AND

THE HON'BLE M.R.A.B.GORTHI : MEMBER(A)  
AND

THE HON'BLE MR.T.CHANDRASEKHAR REDDY  
MEMBER(JUDL)

AND

THE HON'BLE MR.P.RANGARAJAN : MEMBER  
(ADMN)

Dated: 32 -1994.

~~ORDER/JUDGMENT:~~

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

in

O.A.No.

1624/93.

T.A.No.

(W.P.No. )

Admitted and Interim Directions  
issued.

Allowed. *in part*

Disposed of with directions.

Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs.

pvm

