

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.177/95

Date of Order: 4.12.95

BETWEEN:

D.Mohan Rao .. Applicant.

A N D

1. The Chief General Manager,
Telecom, A.P.Triveni Complex,
Hyderabad - 500 001.
2. The Telecom District Engineer,
Department of Telecommunications,
Karimnagar - 505 001.
3. The Sub-Divisional Officer, Telecom,
Department of Telecommunications,
Jagtial, Karimnagar Dist - 505 327. .. Respondents.

Counsel for the Applicant .. Mr.P.Naveen Rao

Counsel for the Respondents .. Mr.V.Bhimamma

CORAM:

HON'BLE SHRI JUSTICE V. NEELADRI RAO : VICE CHAIRMAN
HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

ORDER

As per Hon'ble Shri Justice V. Neeladri Rao, Vice Chairman

Heard Shri P.Naveen Rao, learned counsel for the applicant and Shri V.Bhimanna, learned Standing Counsel for the respondents.

2. The applicant was initially engaged as a casual labour in the office of the Sub-Divisional Officer (Telecom), Tadapalligudam, West Godavari District on 1.12.1982 and he worked there till 29.2.1988.

3. Thereafter, the applicant was engaged again as a casual labour in the office of Sub Divisional Officer, Telecom, Jagtial, Karimnagar District from 16.5.88. The temporary status was not conferred upon the applicant on that ground, that he was not sponsored by the Employment Exchange before he was engaged either at Tadapalligudam or at Jagtial. Being aggrieved the applicant preferred this OA praying for a direction to the respondents to confer temporary status on the applicant and to consider his case for absorption as a class-IV employee by taking into consideration the total service rendered by him as a casual mazdoor w.e.f. 1.12.1982.

4. OM No.269-10/89-Stn. dated 7-11-89 of DoP lays down that no one shall be engaged as casual labour unless he is sponsored by the Employment Exchange. The OM further lays down that temporary status has to be conferred upon those who were engaged as a casual labour before 7-11-89 - the date of the OM even though they were not sponsored by the Employment Exchange. As this is a case

where the appointment of the applicant as casual labour even under R3 is prior to 7-11-89 which is the date of the OM, the respondents have to confer temporary status upon the applicant if he satisfies the requisite conditions and for that purpose, there is no need for the applicant even to rely upon his earlier service in the office of the Sub Divisional Officer, Telecom, Tadapalligudam.

5. We make it clear that for the purpose of fixation of seniority for consideration for absorption, the date of entry of the applicant in the office of R3 has to be considered as the basis and for that purpose, his service at Tadapalligudam in the office of the Sub Divisional Officer, Telecom, Tadapalligudam shall not be taken into consideration. Further, if there is work, the applicant should be engaged as casual labour in preference to outsider and juniors without resorting to any retrenchment of other casual labourers who are already in service.

6. OA is ordered accordingly. No costs.//

CERTIFIED TO BE TRUE COPY

S. J. Shaw *Seal* *20/12/89*
Date 20/12/89
Court Officer
Central Administrative Tribunal
Hyderabad Bench
Hyderabad.

To MVR

1. The Chief General Manager, Telecom A.P.Triveni Complex, Hyd-1.
2. The Telecom District Engineer, Dept.of Telecommunication, Karimnagar-1.
3. The Sub Divisional Officer, Telecom, Dept.of Telecommunications Jagtial, Karimnagar Dist.327.
4. One copy to Mr.P.Naveen Rao, Advocate, CAT.Hyd.
5. One copy to Mr.V.Bhimanna, Addl.CGSC.CAT.Hyd.
6. One copy to Library,CAT.Hyd.
7. One spare copy.

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE V.NEELADRIKAO
VICE CHAIRMAN

AND

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

DATED: 4-12-1995

ORDER/JUDGMENT

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

in

O.A.No. 177/93.

T.A.No. (W.P.No.)

Admitted and Interim directions
Issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Ordered/Rejected.

No order as to costs.

No Space Copy

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