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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A. 180/93.

Dt. of Decision : 02-09-96.

C. Chalapathi

..Applicant.

Vs

1. The Sub-Divisional Officer,
Phones, Tirupathi-517 501.
2. The Telecom District Manager,
Tirupathi-517 102.
3. The Director General, Telecom
(rep.by the Union of India),
New Delhi-110 001.

..Respondents.

Counsel for the Applicant : Mr. C.Suryanarayana

Counsel for the Respondents : Mr. V.Bhimanna, Addl.CGSC.

CORAM:

THE HON'BLE SHRI JUSTICE B.C. SAKSENA : VICE CHAIRMAN

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

D

ORDER

Oral Order (Per Hon'ble Shri R.Rangarajan) Member (Admn.)

Heard Mr.C.Suryanarayana, learned counsel for the applicant and Mr. V.Bhimanna, learned counsel for the respondents.


2. The applicant in this OA was reported to have been engaged as Casual Mazdoor in 1984 on the condition of no work no pay and he worked upto 31-8-89. Thereafter he was relieved ^{with} instructions to report to Telecommunication Consultant India Limited (TCIL), a public sector undertaking under the Control of the Telecommunication Department, for appointment ^{Abroad} in the project of TCIL. Due to his bad health he was sent back to India on 13-02-1990. He reported for duty on 20-02-90 as Casual Mazdoor at Tirupathi and he was engaged in view of the letter No.2689-91/87-STN Dated 14th January 1986. He worked ~~upto~~ in that capacity ^{upto} from 30-04-90 ^{from} to 01-05-90, ^{and} the applicant remained absent ^{and} after a lapses of two years and four months the applicant appears ^{Telecom} before the District Manager, Tirupathi (R-2) on 27-09-92 with a representation for re-engaging him. He further submitted at that time ^{that} ~~that~~ he was absent because of his illness and death of his wife. He was taken back on duty.


3. This OA is filed praying for a direction to the respondents to reinstate him in service as Casual Mazdoor after condoning the break in his service from 1-5-90 onwards and for a consequential direction to confer temporary status upon him pending his absorption in the regular establishment according to his turn in the seniority list of Casual Labourers of Tirupathi Telecom District.

4. It is an admitted fact that the applicant was absent from 1-5-90 onwards. The learned counsel for the applicant submits that he was absent due to his bad health and also demise of his wife. Hence that period of his absence from 1-5-90 till 27-9-92 when he reported back for duties should be condoned and he should be re-engaged giving benefit to his earlier ~~par~~ service. The learned counsel for the applicant further submits that ~~the~~ even if the above period is not condoned he is entitled for counting his earlier service in view of the reported Judgement in 1981 (L&S) ~~Page-813~~ Page-813 of Supreme Court judgement (Mohanlal Vso Management of Bharathi Electronics Limited). In this OA ~~there is~~ no such contention has been taken ^{for} in regularisation of services. However, the applicant is at liberty to file a representation in this connection if he is re-engaged.

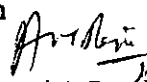
5. In terms of the circular No.TA/STA/6-2/XII dated 10-4-90 (Annexure-1 to the reply) the break in service cannot be condoned by the DE if it is more than one year and it is also stated in that circular that such cases should not be entertained and may be rejected outrightly. In view of the above no direction can be given in this connection. However taking a sympathetic view in this connection we direct R-2 to consider his case for reengagement in future if there is work in preference to freshers from the open market as he has gained some experience in the working of the department due to his earlier engagement as a Casual Labour relaxing his upper age limit ^{if required} in accordance with law. However, it is made ~~it~~ clear that in pursuance of the above direction he is going to be re-engaged none of the casual labourers who are already in casual service shall be retrenched.

6. The OA is disposed of on the above terms. No costs.


(R. Rangarajan)
Member (Admn.)


(B.C. Saksena)
Vice Chairman

Dated : The 2nd Sep. 1996.
(Dictated in Open Court)


Dy. Registrar (3)

OA.180/93.

Copy to:-

1. The Sub Divisional Officer, Phones, Tirupathi-01.
2. The Telecom District Manager, Tirupathi-01.
3. The Director General, Telecom(rep. by the Union of India), New Delhi-001.
4. One copy to Sri. C.Suryanarayana, advocate, CAT, Hyd.
5. One copy to Sri. V.Bhimanna, Adml. CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

Rsm/-

3/10/96

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THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

From Mr. Justice B.C. Saxena, J.C.
THE HON'BLE SHRI R. RANGARAJAN: M(A)

DATED: 2/9/96

ORDER/JUDGEMENT ✓
R.A./C.P./M.A.NO.

O.A.NO.

in
180793

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED
DISPOSED OF WITH DIRECTIONS ✓
DISMISSED ✓
DISMISSED AS WITHDRAWN
ORDERED/REJECTED
NO ORDER AS TO COSTS. ✓

YLKR

II COURT

No Spare Copy

