

34

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH
AT HYDERABAD

O.A.No. 330/93

Date of Order:04.11.93

Between

S.Kasi

.. Applicant

AND

1.The Sub-Divisional Officer,
Telecom, Tadepalligudem-534 001.

2.The Sub-Divisional Officer,
Telecom, Palakol-534 260.

3.The Telecom District Manager,
W.G.Dist., Eluru-534 050.

.. Respondents

Counsel for the Applicant : Mr.C.Suryanarayana

Counsel for the Respondents : Mr.N.R.Devaraj

CORAM:

THE HON'BLE MR.A.B.GORTHY : MEMBER (ADMN.)

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

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[AS PER HON'BLE SHRI A.B.GORTHI : MEMBER (A)]

The applicant was initially recruited as a Casual Mazdoor w.e.f. 1-1-85. He worked for about 78 days till 31-3-85. Thereafter he was once again engaged by the Respondents from 1-9-87 and he worked till 31-8-89 for a total number of ~~day~~ 544 days in Tadepalli Gudem Sub Division. Thereafter he was deputed to Eluru sub Division, Phones, where he worked for about 150 days from September, 1989 to March, 1990. Thus in the year 1990 he worked for more than 240 days. although he is entitled to acquire temporary status he was not given any work from 1-5-90. Aggrieved by the same he has filed this application that he be re-instated into service with protection of his seniority

2. Respondents in their counter affidavit accepted the

1985. They however contended that w.e.f. 1-4-85 the applicant himself was absent and it was not that the respondents refused to give him any work. Similarly he worked ^{for} certain number of days as reflected in page-2 of counter affidavit between 1987 to 1990 but w.e.f.

May, 1990, applicant left Palakolu Sub Division, without any intimation. Thus the contention of the respondents is that the applicant is in the habit of ~~absent~~

leaving the job without permission and remaining absent.

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26

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He cannot therefore claim to be re-instated into service on the strength of service rendered by him in the Department.

3. There can be no dispute that the applicant worked more than 240 days in the year 1989-90 and became entitled for Temporary Status. Even if the Respondents contend that the applicant on his own remained absent is accepted, the Respondents ought to have served ~~xxx~~ him with a notice in that regard. On the other hand the contention of the applicant is ^{that} he was keen to continue to work but the Respondents had not given him any work. His address according to the extant instructions had to be noted on the reverse of the Muster Rolls and the Respondents they desired to continue to engage him.

4. Learned counsel for the Respondents contends that the applicant ceased to work u.e.f. May, 1990, and he chooses to file this application only on 8-4-93. The same is thus filed after a considerable delay and should not therefore be entertained. Accordingly we hold that the applicant cannot challenge his termination u.e.f. May, 1990. Consequently we may not direct the Respondents to re-instate him into service u.e.f. May, 1990. But notwithstanding the same, the fact remains that ~~the applicant was engaged with the Respondents for con-~~ siderably long period between 1987 and 1990. Keeping

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in view the number of days of service rendered by him during the said periods, the Respondents are hereby directed to consider re-engaging the applicant as a casual mazdoor if there is work and in preference to freshers and those who rendered lesser number of days of service than the applicant. The question of grant of Temporary Post and subsequent regularisation will be considered by the Respondents in accordance with the rules.

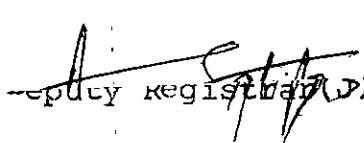
5. The application is disposed-of with the above directions. No order as to costs.


(T. CHANDRASEKHAR REDDY)
Member (J)


(A.B. GORTHI)
Member (A)

Dated: 4th November, 1993.

Dictated in the Open Court.


Deputy Registrar

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To

1. The Sub-Divisional Officer, Telecom, Tadepalligudem-1.
2. The Sub-Divisional Officer, W.G. Dist. Eluru-050.
3. The Telecom District Manager, W.G. Dist. Eluru-050.
4. One copy to Mr. C. Suryanarayana, Advocate, CAT. Hyd.
5. One copy to Mr. N. R. Devraj, Sr. 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. V. NEELADRI RAO :V.C.

AND

THE HON'BLE

A. B. Gorkhi

AND

THE HON'BLE MR. CHANDRA SEKHAR REDDY
:MEMBER(J)

THE HON'BLE MR.

DATED: 4 - 11 - 1993

ORDER

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

in

C.A.No.

330175

T.A.No.

(W.P.No.

admitted and interim directions
issued.

Allowed

Disposed of with directions

Dismissed as withdrawn

Dismissed

Dismissed for default

Rejected/Ordered

No order as to costs

pvm.

Central Administrative Tribunal
DESPATCH

17 NOV 1993

HYDERABAD BENCH