

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.874/94

DATE OF ORDER : 11-02-1997.

Between :-

1. D.Anjamma
2. S.Tara
3. K.Rajeswara Rao
4. B.Krishna Murthy

... Applicants

And

1. The Principal, Regional Telecom Training Centre, Chandralok Bldg., S.D.Rd, Sec'bad.
2. The General Manager, Hyderabad Telecom District, Suryalok Complex, Hyderabad-33.
3. The Chief General Manager, Telecommunications, AP, Hyd-1.
4. Union of India, repto., by the Chairman, Telecom Commission, New Delhi - 110 001.

... Respondents

Counsel for the Applicants : Shri C.Suryanarayana

Counsel for the Respondents : Shri Kota Bhaskar Rao, Addl.CGSC

CORAM:

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

THE HON'BLE SHRI B.S.JAI PARANESHWAR : MEMBER (J)

(Order per Hon'ble Shri R.Rangarajan, Member (A)).

due to the aforesaid retrenchment and also to grant them temporary status retrospectively with effect from 1-10-89 and all other consequential and incidental benefits including regularisation of services according to the turn in the seniority list of casual mazdoor of the appropriate unit to which they belong. The respondents contend as follows :-

(i) The applicants were retrenched way back in 1985 and they were re-instated in August, '88. Thus the applicants know that there was a break in their service. If they have any grievance in this connection they should have approached this Tribunal in time immediately after they were re-engaged for necessary relief but they approached this Tribunal only in 1994 i.e. after a lapse of about 6 years praying for a direction to the respondents to condone the break. Hence it is time barred case.

(ii) The applicants were retrenched in 1985. If their retrenchment is illegal of the provisions of the ID Act, their remedy is to approach the proper forum in this connection and the CAT cannot entertain that request. Further even in this connection they have approached this forum very late after their retrenchment. Hence even for that cause, the bar of limitation will apply.

(iii) The applicants were re-engaged some time in August, '88 and the DOT Ir.Ot.25-5-93 restricts consideration of the cases for bringing on temporary status and regularisation only to those who were engaged earlier to 22-6-88 and were in service on that date. Since the applicants were not in service on that date and also have not fulfilled the condition of the minimum service to be put in a year, they are not entitled for the relief as prayed for in this OA.

4. We have considered all these contentions. We are in agreement with the learned counsel for the respondents that OA is filed belatedly. The applicants having engaged in 1988 should have approached Court in time if their cases for condonation of break in service were not considered by the respondents.

5. As regards xxxx xxxxx xxxx xxxx xxxx xxxxx xxxx xxxxx

R

D

...4.

No.4 is also having no powers to condone the break in service, which is more than 1 year, than the applicants cannot have any relief.

10. In the result, the O.A. is disposed of with the above observations. No costs.

प्रमाणित प्रति
CERTIFIED TO BE TRUE COPY

प्राथमिक अधिकारी
COURT OFFICER
केंद्रित प्रशासित न्यायालय
Central Appellate Tribunal
हैदराबाद बेंच
HYDERABAD BENCH

874/24

11/29

5/3/97

8. The applicants submit that some of their juniors were continued even after the retrenchment. They have quoted the names of 3 such casual labourers in para-4.1 of the affidavit. No mention has been made in regard to the case of their juniors in the counter. It is stated by the respondents that the applicants could have asked for posting in other sections where they can discharge the duties as Casual Labourer at the time of retrenchment. Since they have not asked for posting in other sections, they were retrenched. Hence the respondents plead that the applicants cannot question the non discharge of the juniors when they were discharged/retrrenched.

9. Whether the applicants were retrenched for want of work or for any other reason is not explicitly mentioned in the CH. It may be possible that there may be no work or the work is of such nature that the applicants cannot discharge these duties. In view of what is stated above, we are satisfied that the prayer for condonation of break in service cannot be given straightaway without going into details of the circumstances under which they were retrenched from service. The Respondent No.3 submits that he cannot condone the break in service even if he wants to, as the absence is more than a year. Hence we are of the opinion that the cases may be considered taking into account all the factors as regards to the nature of the duties performed by them, the reason for the retrenchment, continuation of their juniors and also the other circumstances which led to the retrenchment by Respondent No.4 and take a final decision in regard to the condonation of break in service and the consequential benefits on that basis. If the respondent

....6.