

## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

## AT HYDERABAD

O.A.No. 936/94

Date of Order: 9.4.97

## BETWEEN:

G.Satyanandam

.. Applicant.

## AND

1. The Chief General Manager,  
 Telecommunications,  
 Dept. of Telecommunications,  
 A.P.Circle, Triveni Complex,  
 Hyderabad - 500 001.

2. The General Manager,  
 Telecom, Dept. of Telecommunications,  
 Govt. of India, Warangal (A.P.).

3. The Telecom Dist. Engineer,  
 Karimnagar - 505 001. .. Respondents.

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

Counsel for the Respondents .. Mr.N.R.Devraj

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CORAM:

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

J U D G E M E N T

X Oral order as per Hon'ble Shri R.Rangarajan, Member (Admn.) X

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Heard Mr.P.Naveen Rao, learned counsel for the applicant and Mr.W.Satyanarayana for Mr.N.R.Devraj, learned standing counsel for the respondents.

2. The applicant in this OA was engaged as casual mazdoor from 1.2.84 to 31.6.84, and from 1.8.85 to 30.4.86. Once again he was re-engaged from 1.11.88 to 22.11.88 under R-3. He was



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retrenched w.e.f. 23.11.88. The applicant thereafter was re-engaged w.e.f. 18.9.89. In the meantime the applicant filed OA.652/89 for condoning the break in service questioning <sup>and also</sup> the termination order w.e.f. 23.11.88. That OA was disposed of by directing the applicant to file a representation to the authorities concerned. That representation was disposed of by letter No. E.6-46/VI/92-93/136, dt. 24.9.93 rejecting his claim for condonation of break in service. That decision was taken by the General Manager by his letter <sup>dt.</sup> No. 3.9.93. This OA is filed for setting aside the letter of the General Manager bearing No. TAW/RE/1-10/93, dt. 3.9.93 and for a consequential direction to the Respondent No.1 to condone the break in service due to health grounds and to accord temporary status and regularisation with all consequential benefits.

3. In the reply it is stated that the break in service is more than one year and hence that break in service cannot be condoned in view of the instructions contained in letter No. 269-3/92-STN, dt. 21.10.92. It is further stated that the cases of Sri B.Mallaiah and Sri A.Kishan whom the applicant had referred as a <sup>parallel</sup> ~~parallel~~ <sup>Can be</sup> case ~~was~~ distinguished in the reply. In view of the reasons stated above the respondents submit that the applicant cannot claim any service earlier to 18.9.89.

4. Even presuming that the applicant <sup>was</sup> engaged in service as casual mazdoor w.e.f. 18.9.89 the applicant had <sup>but</sup> more than 8 years service by now. That should have given him an opportunity for getting temporary status. In that view the applicant

should be given the temporary status if any of the casual labourers engaged later than ~~on~~ 18.9.89 had given that status. This has to be checkedup and if any of the casual labourers who had engaged laterthan 18.9.89 had been brought on temporary status the applicant should also be given the temporary status on par with his junior. His regularisation as mazdoor in the <sup>in further</sup> P&T Department <sup>is</sup> regulated on that basis. Even if none of his <sup>junior</sup> juniors were brought on temporary status <sup>his</sup> case for bringing him on temporary status should be considered in accordance with <sup>rule</sup> the taking his engagement as 18.9.89 and his regularisation thereafter shall be considered in accordance with the law.

5. OA is disposed of with the above directions. No costs.



( R.RANGARAJAN )  
Member (Admn.)

Dated : 9th April, 1997

(Dictated in Open Court)

sd

  
D.R. (5)

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Copy to :-

1. The Chief General Manager, Telecommunications, Dept. of Telecommunications, A.P.Circle, Triveni Complex, Hyd-1.
2. The General Manager, Telecom, Department of Telecommunications, Govt. of India, Warangal (A.P).
3. The Telecom Dist.Engineer, Karimnagar-505 001.
4. One copy to Mr.P.Naveen Rao, Advocate, CAT, Hyd.
5. One copy to Mr.N.R.Devraj, Sr.CGSC, HYD.
6. One copy to DR(A), CAT, Hyd.
7. One duplicate copy.

YLKR.

SPR  
28/4/97

TYPED BY  
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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R.R. RAO, M(A)

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR,  
M(J)

DATED: 9/4/97

ORDER/JUDGEMENT

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

in

D.A. No. 936/94

ADMITTED INTERIM DIRECTIONS ISSUED  
ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLR

II COURT

केन्द्रीय प्रशासनिक अधिकारण  
Central Administrative Tribunal  
इंवेट/DESPATCH

23 APR 1997

केन्द्रीय प्रशासनिक अधिकारण