

(12)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. 1519/94.

Dt. of Decision : 16.12.1994.

S. Rudraiah

.. Applicant.

Vs

1. The Sub-Divisional Officer,
Telecom, Tirupathi-517 501.
2. The Telecom Distt. Manager,
Tirupathi-517 502.
3. The Chairman, Telecom Commission,
New Delhi-110 001.

.. respondents.

Counsel for the Applicant : Mr. G. Suryanarayana

CORAM:

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

..2

f. d.

O.A. 1519/94.

Dt. of Decision : 16.12.1994.

ORDER

¶ As per Hon'ble Shri A.B. Gorthi, Member (Admn.) ¶

The applicant was initially engaged as a Casual Mazdoor in the Telecom Department with effect from 1.2.1984 and he continued to work as such. On 1.10.1989 he was granted temporary status. While he was thus working he was served with order dt.24.4.92 stating that his services would be terminated after 30 days from the date of receipt of the said letter. The reason stated in the said letter was that the it was found to contain incorrect entries. Consequently after the issuance of the impugned memo dated 24.4.1992

2. Heard learned counsel for both the parties. Mr. C.Suryanarayana, learned counsel for the applicant has stated that the applicant having been granted temporary status, the respondents could not have terminated his services in the manner in which they did. In support of his contention he has drawn our attention to the "Casual Labourers (Grant of Temporary Status and Regularisation) Scheme circulated vide DG Telecom, New Delhi letter No. 269-10-89-STN, dated 7.11.89. Para 9 thereof is to the effect that if a casual labourer with temporary status commits misconduct, his services can be dispensed with only after an enquiry at which he would be given reasonable opportunity."

Copy to:

1. The Sub Divisional Officer, Telecom, Tirupathi - 517 501.
2. The Telecom District Manager, Tirupathi - 517 502.
3. The Chairman, Telecom Commission, Union of India,
New Delhi - 110 001.
4. One copy to Mr.C.Suryanarayana, Advocate, CAT, Hyderabad.
5. One copy to Mr.V.Shimanna, Addl.CGSC, CAT, Hyderabad.
6. One copy to Library, CAT, Hyderabad.

YLKR

for

*Copy to
20/12/01*

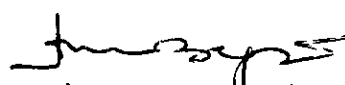
(19)


3. Shri V. Bhimanna, learned counsel for the respondents states that as the days book furnished by the applicant was not found to be correct the respondents disengaged the applicant after giving him due notice. Even in case the applicant has to be reinstated, learned standing counsel for the respondents pleads, that he should not be ^{granted R} ~~commended~~ ~~to~~ back wages.

4. It is settled law that a casual labour on acquiring temporary status, acquires certain privileges and one of them is that his services cannot be terminated on the ground of misconduct without holding an enquiry at which he ~~would~~ be given a reasonable opportunity to defend himself. Obviously, the respondents fail~~d~~ to comply with this salutary provision~~d~~ and ~~proceeded~~ to terminate the service of the applicant by merely giving him a notice.

5. In view of what is stated above, we set aside the impugned memo dated 24.4.1992. The applicant will be taken back as a Casual Labourer with immediate effect and, in any case, not later than first January 1995. While the ~~period in between~~ his reinstatement shall count for his seniority as a Casual Labourer, the applicant will ~~not~~ be entitled to any wages for the said period. If the respondents decide to proceed against the applicant for his alleged misconduct they are at liberty to do so in accordance with law.

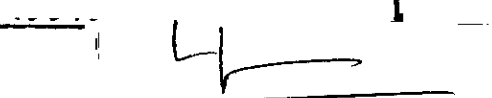
6. The OA is ordered accordingly. No order as to costs.


(A.B. GORCHI)
MEMBER (ADMN.)


(A.V. HARIDASAN)
MEMBER (JUDL.)

(Dictated in Open Court)

spr


Deputy Registrar
20/2/94

Typed by

Computed by

Checked by

Approved by

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR.A.V.HARIDASAN : MEMBER(J)

AND

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

DATED: 16.12.94

ORDER/JUDGMENT.

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

O.A.NO. ⁱⁿ 1519/94

T.A.NO.

Admitted and Interim Directions
issued.

Allowed.

~~Dismissed of with Direction.~~
Dismissed.

Dismissed as withdrawn

Dismissed for default

Rejected/Ordered

No order as to costs.

YLKR

