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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH.
AT HYDERABAD

O.A. No. 264/94.

Dt. of Decision : 8.7.94.

Mr. D. Sambaiah

.. Applicant.

Vs

1. The Sub-Divisional Officer,
Telecommunications,
Guntur - 522 001.

2. The Telecom District Manager,
Guntur - 522 002.

3. Union of India rep. by
the Chairman, Telecom Commission,
New Delhi - 110 001.

.. Respondents.

Counsel for the Applicant : Mr. C.Suryanarayana

Counsel for the Respondents : Mr. N.R.Devaraj, Sr.CGSC.

CORAM:

THE HON'BLE SHRI A.V. HARIDASAN : MEMBER (JUDL.)

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

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

The applicant who is presently working as a casual mazdoor under the Sub Divisional Office, Guntur has claimed ^{by means} ~~.....~~ of this application for a direction to the respondents to grant him temporary status w.e.f. 1.10.89.

2. The applicant states that initially he was engaged as a casual mazdoor at Sattenapalli on 8.2.70. Subsequently he was employed for about 166 days in 1973 and his name was shown in the Muster Rolls. Vide order dated 11.10.73 he was formally shown as recruited as a casual mazdoor. He continued to work in that capacity till 1991 but with intermittent breaks. With the introduction of the Casual Labour (Grant of temporary status) Scheme in the year 1989 his case came up for consideration for the grant of temporary status. Although several other casual labourers were granted the same benefit, he was denied the same on the plea that he did not work for 240 days in any year. Applicant's contention is that he worked during the period May 1989 to March 1990 for a total of 276 days.

3. ^{Ansler} The specific contention raised by the applicant is that during April 1990 to January 1991 he was engaged for 278 days. During February and March 1991 he worked for 53 days and thus in the year 1990-91 he was engaged for more than 240 days.

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4. The respondents in their reply affidavit have stated that firstly the applicant did not seek condonation of break in service for the period from January 1980 to May 1986 and again from March 1987 to November 1988. This was brought to the notice of the applicant vide letter dated 20.5.92. But the applicant did not take any further action in that regard. Another contention raised by the respondents is that the applicant did not work continuously for 240 days in any of the preceding 12 months. Consequently when his case came up for consideration for grant of temporary status he was not selected for the same.

5. Heard learned counsel for both the parties. Mr.C.Suryanarayana, learned counsel for the applicant has taken us through Annexure A-1 to the OA which contains the details of periods of working by the applicant and the said details purport to be certified by the SDO/JTO. According to these details the applicant did work for more than 240 days prior to the issuance of the Casual Labour (Grant of Temporary Status) Scheme 1989. The said details given by the applicant require due verification by the respondents.

6. In view of the above the applicant may produce the original certificates signed by his Superior officer regarding the periods of work under the various SDOTS to the Telecom District Manager (Respondent No.2) within a period of 30 days. On receipt of the same Respondent No.2 shall verify the details or ^{get} ~~pass~~ the details duly verified and if it is found that the applicant did work for

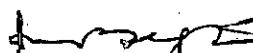
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more than 240 days in any year as per the extant rules, the applicant will be granted temporary status in accordance with the scheme.

7. It is open to the applicant to make a request to the competent authority for condonation of break in his previous engagement. In this context Mr.C.Suryanarayana states that the break in service was caused not on account of the fault of the applicant but on account of the fact that the applicant was "laid off" due to non-availability of work. This aspect of the matter will be considered by the competent authority as and when the applicant seeks condonation of break in service, within a period of three months from the date of request for condonation.

8. With the above observations and directions this OA is disposed of without any order as to costs.


(A.B. GORTHI)

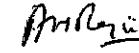
Member (Admn.)


(A.V. HARIDASAN)

Member (Judl.)

Dated: 8th July, 1994

(Dictated in Open Court)


14-7-94
Deputy Registrar (Judl.)

Copy to:-
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1. The Sub-Divisional Officer, Telecommunications, Guntur-001.
2. The Telecom District Manager, Guntur-002.
3. Chairman, Telecom Commission, Union of India, New Delhi-001.
4. One copy to Sri. C.Suryanarayana, advocate, CAT, Hyd.
5. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR.JUSTICE V.NEELADRI RAO
A. V. Haridasan J. M.
VICE CHAIRMAN

AND
THE HON'BLE MR.A.B.G RTHI : MEMBER(A)

AND
THE HON'BLE MR.T CHANDRASEKHAR REDDY
MEMBER(C UDL)

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

Dated: 27/7/1994.

ORDER/JUDGMENT:

M.A./R.A/C.A. NO.

O.A.NO.

264/94

T.A.NO.

(A.P.)

Admitted and Interim Directions
Issued.

Allowed

Disposed of with directions

Dismissed.

Dismissed as withdrawn

Dismissed for default.

Rejected/Ordered.

No order as to costs.

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