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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.361/94

Date of Order: 30.3.94

BETWEEN:

A N D

1. The Sub-Divisional Engineer,
Coaxial Maintenance.
 2. The Divisional Engineer,
Telecom, Coaxial Maintenance,
Vijayawada - 520 010.
 3. The Telecom District Engineer,
Nalgonda - 508 050.
 4. The Chief General Manager,
Telecom, Andhra Pradesh Circle,
(Rep. Union of India),
Hyderabad - 500 001.
- .. Respondents.

Counsel for the Applicant	.. Mr.C.Suryanarayana
Counsel for the Respondents	.. Mr.N.R.Devraj

CORAM:

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

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

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Order of the Division Bench delivered by
Hon'ble Shri A.B.Gorthi, Member (Admn.).

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The applicant who belongs to S.C. Community was initially engaged as a casual mazdoor on 1.2.86 at A.E. Coaxial Maintenance, Kodad. He worked continuously and his name was shown in the muster rolls till the end of February 1992. However, w.e.f. 1.3.92 his name was not shown in the Muster Rolls but he was being paid ^{at} ACG-17. While he was thus working he was all of a sudden and without due notice was removed from service from 13.2.1993. His case was re-examined by the respondents and vide ~~order~~ A-6 dated 19.7.93 he was re-engaged w.e.f. 20.7.93. Consequently he is now working as a casual mazdoor under the same A.E. Coaxial Maintenance, Kodad. His claim in this application is for a declaration that his removal from service even for the short period is void ab-initio and for a direction to the respondents to grant him temporary status pending his absorption in the regular establishment according to his seniority subject to the provisions of the communal roster.

2.0 We have heard learned counsel for both the parties. Mr.C.Suryanarayana, learned counsel for the applicant stated that the disengagement of the applicant w.e.f. 13.2.93 is irregular and it seems to have been ordered for no other reason than that the applicant was initially recruited after 31.3.85. It is now well settled that the date of 31.3.85 cannot be made the ^{sole} legal basis in the matter of disengaging casual labour. Mr.Suryanaraya

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further contends that the respondents were not justified in removing the name of the applicant from Muster Rolls w.e.f. 1.3.92 and thus denying him payment of wages at the rate of 1/30th of the regular pay scales.

3. Mr.N.R.Devraj, Learned Senior Standing Counsel for the respondents has drawn our attention to Annexure A-4 which is a communication from the Assistant General Manager, Telecommunications, Andhra Pradesh. It is to the effect that the Chief General Manager, Telecom, Hyderabad has desired that casual mazdoors recruited after 31.3.85 and continuing should not be retrenched. The reason for which the applicant's services were terminated w.e.f. 13.2.93 ~~or the reason~~ is that there was no work for him in his Unit. This would be evident from an examination of the communication from the Assistant Engineer, Coaxial Maintenance, Kodad (A-5). Notwithstanding the same, according to Mr.N.R. Devraj the ^{true} ~~true~~ purport ^{of} Annexure A-4 was not ^{correctly} ~~accordingly~~ ^{appreciated} ~~introduced~~ by concerned officials and consequently the applicant was re-engaged vide Divisional Engineer, Coaxial Maintenance, Vijayawada memo dated 19.7.93 which is at Annexure A-6.

4. Mr.C.Suryanarayana disputes the respondents' contention by stating that Annexure A-5 was actually an after thought and that the applicant was informed in writing that his services were being disengaged not only for the reason that there was no work in the Sub-Division but also because ^{he} ~~there~~ was recruited after 31.3.85. In support of his contention he has shown us A.E.Coaxial Maintenance, Kodad memo dated 10.2.93 addressed to the applicant. (Memo is taken on record.)

MR.C.Suryanarayana disputes the fact that there was no work in the Sub-Division of the applicant. He also ~~disputes the fact~~ ^{asserts} that the applicant was not the person to be disengaged if the respondents had applied the principle of "last come first go".

5. Having heard the learned counsel for both the parties and having perused the material on record we dispose of this application at the admission stage itself. From Annexure A-6 it is clear that the applicant has been re-engaged and obviously therefore there is work Maintenance, Kodad. In view of this the following ^{are} ~~have been~~ directions given to the respondents:-

1. The applicant will not be disengaged from service so long there is work, and in case his disengagement becomes unescapable the respondents shall comply with the principle of "last come first go".

2. The case of the applicant for grant of temporary status shall be considered by the respondents in accordance with the extant instructions and as per his seniority.

3. As regards the regular absorption of the applicant, the same will be considered by the respondents keeping in view the seniority of the applicant and also the fact that he belongs to S.C. Community.

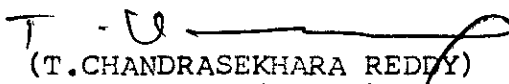
4. As regards the claim of the applicant for payment of wages at the rate of 1/30 ^{of} th ^{with} the regular pay scale for the period from 1.3.92 to 13.2.92, ^{the} ~~the~~

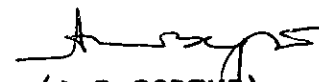
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applicant may submit a representation in that regard ^{to}
with the authority concerned and it shall, ^{within three months} from the date
of receipt of such representation, decide the matter in
accordance with the extant rules.

There shall be no order as to costs.


(T. CHANDRASEKHARA REDDY)
Member (Judl.)


(A. B. GORTHY)
Member (Admn.)

Dated: 30th March, 1994

(Dictated in Open Court)

Deputy Registrar (J/C)

To sd

1. The Sub-Divisional Engineer,
Coaxial Maintenance, Kodad-208.
2. The Divisional Engineer, Telecom,
Coaxial Maintenance, Vijayawada-10.
3. The Telecom District Engineer, Nalgonda-050.
4. The Chief General Manager, Telecom,
Andhra Pradesh Circle, Union of India, Hyderabad-1.
5. One copy to Mr. C. Suryanarayana, Advocate, CAT. Hyd.
6. One copy to Mr. N. R. Devraj, Sr. CGSC. CAT. Hyd.
7. One copy to Library, CAT. Hyd.
8. One spare copy.

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE CHAIRMAN,

AND

THE HON'BLE MR. A. B. GORTHI : MEMBER (AD)

AND

THE HON'BLE MR. TCCHANDRASEKHAR REDDY
MEMBER (JUDL)

AND

THE HON'BLE MR. R. RANGARAJAN : M (ADMN)

Dated: 30-3 -1994

~~ORDER~~/JUDGMENT

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

in

O.A.No.

361/94.

T.A.No.

(w.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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