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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : AT HYDERABAD.

* * *

6.A. 409/94

Dt. of Decision : 8.4.1994.

Are Dasu

.. Applicant.

Vs

Secretary to the Govt. by its
Communications, Department of
Telecommunication, Sanchar
Bhavan, New Delhi-110 001.

2. The Chief General Manager,
Telecom, Door Sanchar Bhavan,
Station Road, Nampally,
Hyderabad - 500 001.
3. General Manager, Telecom.,
Guntur.
4. Telecom District Engineer,
Ongole.
5. Sub-Divisional Officer,
Telecom., Chirala-523 115.

.. Respondents.

Counsel for the Applicant : Mr. P. Rathaiah

Counsel for the Respondents : Mr. V. Bhimanna, Addl. CGSC.

CORAM:

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

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

(28)

O.A.409/94

Dt. of decision:8-4-1994

Judgement

{ As per the Hon'ble Sri A.B. Gorthi, Member (Admn.) }

The applicant who was working as a Casual Mazdoor under the Sub-Divisional Officer, Telecom, Tenali is aggrieved by the order of the respondents disengaging his services w.e.f. 1-1-94. His prayer is that he may be reengaged and considered for grant of temporary status and subsequent regularisation against a Group-D vacancy after condoning the breaks.

The applicant states that he was initially engaged under SDOT, Tenali as a Casual Mazdoor during April, 1975 to June, 1978. Thereafter he was once again engaged as a Casual Mazdoor under SDOT, Tenali and he continuously worked from March, 1988 to 26-12-1993. On the basis of his service as Casual Mazdoor under the respondents, he now claims that he should not have been disengaged and remain a Casual Mazdoor.

3. Mr. V. Bhimanna, learned standing counsel for the government stated that it would be very difficult for the department to verify the fact of the applicant having worked during 1975-78 under SDOT, Tenali. Even the documents produced by the applicant in support of his claim cannot be got verified at this belated stage.

4. Mr. P. Rathaiah, learned counsel for the applicant urges that in view of the fact that the relevant documents in support of the applicant's claim for having worked during the above periods have been annexed to the OA, the same should be considered by the respondents.

To

1. The Secretary to the Ministry of Communications,
Union of India, Dept. of Telecommunications,
Sanchar Bhavan, New Delhi-1.
2. The Chief General Manager, Telecom., Hyderabad, Nampally Hyderabad-1.
3. & The General Manager, Telecom, Guntur.
4. & The Telecom District Engineer, Ongole.
5. The Sub Divisional Officer, Telecom, Chirala-115.
6. One copy to Mr. P. Rathaiah, Advocate, CAT. Hyd.
7. One copy to Mr. V. B. M. Mawna, Asst. Secy. CAT. Hyd.
8. One copy to Library, CAT. Hyd.
9. One spare copy.

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5. In the application there is nothing to justify as to why the applicant kept quiet for a long period of six years after his initial engagement under the SDOT, Tenali. If the fact of previous engagement of the applicant has got to be taken into consideration, it would upset the seniority position of the casual mazdoor working continuously at present. As the applicant himself is guilty of being idle for a long period of about six years, we hold that it would not be proper to allow him to claim the benefit of his previous service during 1975-88 and 89-93.

It is also stated that the applicant was once again engaged under SDOT, Tenali from March, 1988. Keeping in view this fact, the case of the applicant deserves to be considered for fresh engagement if there is work, in preference to juniors/freshers. Consequently we dispose of this application at the admission stage itself with the following directions to the respondents.

- (a) The name of the applicant shall be entered in the Live Casual Labour register.
- (b) The applicant shall be considered for work when there is work in preference to juniors/freshers.
- (c) The applicant's case for grant of temporary status and subsequent regularisation against Group-D post will be considered in accordance with the extant scheme/ instructions.

7. No order as to costs.

(T. Chandrasekhara Reddy)
Member (Judl.)

(A.B. Gorthi)
Member (Admn.)

Dated 8-4-1994
Open Court dictation

kmv

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CHECKED BY

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COMPARED BY
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. T. CHANDRASEKHAR REDDY
MEMBER (JUDL)

AND

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

Dated: 8 - 4 - 1994

ORDER/JUDGMENT

E.A./R.A./C.A./No.

in

O.A.No.

409/94

T.A.No.

(w.p.)

Admitted and Interim Directions
Issued.

Allowed

Disposed of with directions of admitting the

Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs.

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