

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : AT HYDERABAD.

* * *

O.A. 410/94

Dt. of Decision : 8.4.1994.

L. Lakshmaiah

.. Applicant.

VS

Secretary, Ministry of
Communications, Department of
Telecommunications,
Sanchay Bhavan,
New Delhi - 110 001.

2. The Chief General Manager, Telecom,
Nampally, Hyderabad - Station Road.
3. The General Manager, Telecom,
Guntur.
4. The Telecom District Engineer,
Guntur.
5. The Sub-Divisional Officer,
Telecom, Chirala - 523 155. .. Respondents.

.. Applicant : Mr. P. Rathaiah
Counsel for the Respondents: Mr. K. Bhaskar Rao, Addl. CGSC

CORAM:

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

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Judgement

I As per the Hon'ble Sri A.B. Gorthi, Member (A) X

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 and considered for grant of temporary status and subsequent regularisation against a Group-D vacancy after condoning the breaks.

2. The applicant states that he was initially engaged under SDOT, Tenali as a Casual Mazdoor during May, 1984 to January, 1985. Thereafter he was again engaged as a Casual Mazdoor under SDOT, Chirala from 5-5-1989 to November, 1990. The respondents, he now claims that he should not have been disengaged but continued to work as Casual Mazdoor.

3. Mr. K. Bhaskar Rao, 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 1984-85 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 periods mentioned above have been annexed to the OA, the same should be duly considered by the respondents.

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5. In the application there is nothing to justify as to why the applicant kept quiet for a long period 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 inaction for a long period, we hold that it would not be proper to allow him to claim the benefit of his previous service during 1984-85.

6. There is no dispute that the applicant was once again engaged under SDOT, Chirala 155. 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 in the Live Casual Labour Register.
- (b) The applicant will be reengaged as and 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
(T. Chandrasekhara Reddy)
Member (Judl.)

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

Dated 8-4-1994
Open Court Dictation

Deputy Registrar (J) CC.

To

1. The Secretary, Min. of Communications, U.O.I. Dept. of Telecommunications, Sanchar Bhavan, New Delhi-1.
2. The Chief General Manager, Telecom, Doosanchar Bhavan, Nampally Station Road, Hyderabad-1.
3. The General Manager, Telecom, Guntur.
4. The Telecom Dist. Engineer, Ongole.
5. The Sub-Divisional Officer, Telecom, Chirala-155.
6. One copy to Mr. P. Rathaiah, Advocate, CAT. Hyd.
7. One copy to K. Baskar Rao, Addl. CNSC. CAT. Hyd.
8. One copy to Library, CAT. Hyd.
- a). One spare copy.

RVM.

TYPED BY

COMPARED BY

CHECKED 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

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

in

~ O.A. No. 410/94

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.

pvm

