

(21)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : AT HYDERABAD.

* * *

O.A. 412/94

Dt. of Decision : 8.4.1994.

M. Krishna Murthy

.. Applicant

Vs

1. Union of India, Rep. by its
Secretary, Ministry of
Communications, Department of
Telecommunications,
Sanchar Bhavan,
New Delhi - 110 001.
2. The Chief General Manager,
Telecom, Door Sanchar Bhavan,
Station Road, Nampally,
Hyderabad - 500 001.
3. The General Manager, Telecom,
Guntur.
4. The Telecom District Engineer,
Ongole.
5. The General Manager,
Telecom, Chirala - 523 155.

.. Respondents.

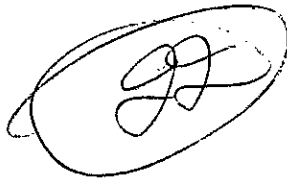
Counsel for the Applicant : Mr. P. Rathaiah

Counsel for the Respondents: Mr. N.V. Ramana, Addl. CGSC.

CORAM:

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

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



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Judgement

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

The applicant who was working as a Casual Mazdoor under the Sub-Divisional Officer, Telecom, Chirala is aggrieved by the order of the respondents disengaging his services w.e.f. 1-1-1994. His prayer is that he may be reengaged and considered for grant of temporary status after condoning the breaks.

2. The applicant states that he was initially engaged under SDOT, Tenali as a Casual Mazdoor during January, 1982 to March, 1982. Thereafter he was once again engaged as a Casual Mazdoor under SDOT, Chirala from 6-7-91 to 31-12-93. On the basis of his service as Casual Mazdoor under the respondents, he now claims that he should not have been disengaged but continued to work as Casual Mazdoor.

3. Mr. N.V. Ramana, 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 1982 under SDOT, Tenali. Even the documents produced by the applicant in support of his claim cannot be got

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 1982 have been annexed to the OA, the same should be duly considered by the respondents.

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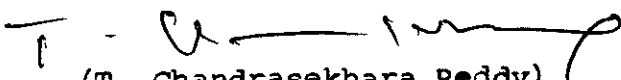
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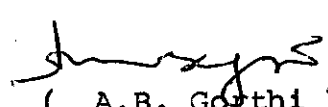
5. In the application there is nothing to justify as to why the applicant kept quiet for a long period of ten years after his initial engagement under the SDOT, Chirala . If the fact of previous engagement of the applicant has got to be taken into consideration, it would upset the seniority position of the casual mazdoor working continuously at present. As the applicant himself is guilty of inaction for a long period of about ten years, we hold that it would not be proper to allow him to claim the benefit of his previous service during 1982, ~~89-90~~ and ~~1992~~.

6. There is no dispute that the applicant was once again engaged under SDOT, Chirala from ⁶⁻⁷⁻⁹¹ ~~1-8-89~~ to ²⁸⁻²⁻⁹⁰ ~~31-12-93~~ ^{Keep-} ing 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.

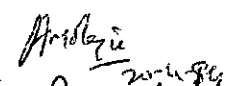
- (a) The name of the applicant shall be entered in the Live Casual Labour register.
- (b) The applicant will be reengaged as and when there is work in preference to juniors/freshers.
- (c) The applicant's case for grant of temporary status and subsequent regularisation against Group-D post will be considered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

7. No order as to costs.


(T. Chandrasekhara Reddy)
Member (Judl.)


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

Dated 8-4-1994
Open Court dictation


Deputy Registrar (S)

kmv

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. GORTHY : MEMBER (AD)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY
MEMBER (JUDL)

AND

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

Dated: 8-4-1994

~~ORDER/JUDGMENT~~

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

in

O.A.No. 412/94

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

