

(26)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH : AT HYDERABAD?

\* \* \*

O.A. 414/94

Dt. of Decision : 8.4.1994.

P. Mohan

.. Applicant.

Vs.

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

Counsel for the Applicant : Mr. P. Rathaiyah

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

CORAM:

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

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

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 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.

2. The applicant states that he was initially engaged under SDOT, ~~Tenali~~ as a Casual Mazdoor during 1-6-82 to 1-2-83; 3-2-86 / to ~~28-2-86~~. Thereafter he was once again engaged as a Casual Mazdoor under SDOT, Chirala from June ~~82~~ to 31-1-1994. 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.R. Devaraj, 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 1983 / 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 duly considered by the respondents.

To

1. The Secretary, Ministry of Communications,  
Union of India, Dept. of Telecommunications,  
Sanchar Bhavan, New Delhi-1.
2. The Chief General Manager, Telecom,  
Door Sanchar Bhavan, Nampally Station Road,  
Hyderabad-1.
3. The General Manager, Telecom, Guntur.
4. The Telecom District Engineer, Ongole.
5. The Sub Divisional Officer, Telecom, Chirala-155.
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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5. In the opinion of the court

as to why the applicant kept quiet for a long period of ten 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 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 to 1983.

6. There is no dispute that the applicant was once again engaged under SDOT, Chirala from ~~June, 1982~~ <sup>11-2-1991</sup>. 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 the application 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. C  
(T. Chandrasekhara Reddy)  
Member (Judl.)

J. Gorthi M5  
(A.B. Gorthi)  
Member (Admn.)

Dated 8-4-1994  
Open Court dictation

Deputy Registrar (J)

kmv

TYPED BY

CHECKED

COMPARE

THE HON'BLE MR.JUSTICE V.NEET,  
VICE CHAI

AND

THE HON'BLE MR.A.B.GORTHI : MEMBER  
AND

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

AND

THE HON'BLE MR.K.RANGARAJAN : M(ADMIN)

Dated: 8 - 4 - 1994

ORDER/JUDGMENT

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

C.O.A.No.

in  
114/94.

T.A.No.

(w.p.)

Admitted and Interim Directions  
Issued.

Allowed

Disposed of with directions

Dismissed.

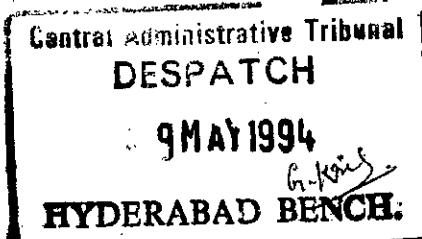
Dismissed as withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs.

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V.V.