

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO. 446 OF 1994

DATE OF ORDER: 23rd June, 1997

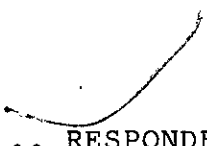
BETWEEN:

V.V.SUBBA REDDY

.. APPLICANT

AND

1. Union of India represented by its Secretary, Ministry of Communications, Dept. of Telecommunication, Sanchar Bhavan, New Delhi 110001,
2. The Chief General Manager, Telecommunications, A.P.Circle, Hyderabad 500001,
3. The General Manager, Telecom, Guntur,
4. The Telecom District Engineer, Ongole,
5. The Sub Divisional Officer, Telecom, Chirala 523155.



.. RESPONDENTS

COUNSEL FOR THE APPLICANT: Mr.BSA SATYANARAYANA

COUNSEL FOR THE RESPONDENTS: Mr.NV RAGHAVA REDDY, Addl.CGSC

CORAM:

HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

HON'BLE SHRI B.S.JAI PARAMESHWAR, MEMBER (JUDL.)

ORDER

ORAL ORDER (PER HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.))

Heard Mr.BSA Satyanarayana, learned counsel for the applicant and Mr.W.Satyanarayana for Mr.NV Raghavareddy, learned standing counsel for the respondents.



2. The applicant was engaged as Casual Mazdoor under the SDOT, Markapur on 1.4.84. He was continued in that capacity upto 25.3.85. Thereafter, it is stated that he left the service. But the applicant submits that he was not engaged after 25.3.85 for want of work. The applicant was again reengaged on 7.1.90 under the SDOT, Markapur where he worked upto 31.5.90. It is stated that considering his past service under the SDOT, Markapur, he was engaged under the SDOT, Chirala from June 1990 and he is continuing as Casual Mazdoor even till date. Fearing that he will be discharged from service, the applicant filed this OA praying for a direction to R-5 to grant him ~~his~~ services in Group-D as per his seniority after condoning the breaks.

3. An interim order has been passed in this OA on 22.4.94. As per that interim order, the respondents were directed not to disengage the applicant so long as there is work and so long the juniors are retained.

4. Though the learned counsel for the respondents submits that his counter is ready and he was about to file in the Registry, it is yet to be filed. However, he was permitted to submit on the basis of the draft counter available with him.

5. The learned counsel for the respondents submits that the applicant was away from service for over a year before he joined at Chirala. Hence, the break for that period cannot be condoned for any reason. As the applicant

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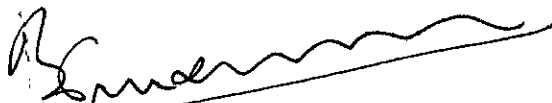
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was engaged after 22.6.88, he cannot be brought under the regularisation of casual mazdoors' scheme. Hence the applicant cannot demand grant of temporary status and regularisation after that date on that basis.

6. This OA was filed on 4.4.94. If the applicant is interested in getting his past service counted, then he should have approached this Tribunal much earlier. He had come to this Tribunal very belatedly. In any case the applicant is still continuing as Casual Mazdoor under the SDOT, Chirala and he has been given a favourable interim order in this OA on 22.4.94. He is continuing in service only because of the interim order. When his long absence cannot be condoned, the applicant cannot demand as a matter of right to consider the past service also and ^{to} treat him as having joined earlier to the crucial date 22.6.88 so as to bring him under the regularisation scheme of Casual Mazdoors. In any case, the applicant is still continuing. Hence it is appropriate if the interim order passed on 22.4.94 is made final in his case.

8. In view of what is stated above, the interim order in this OA dated 22.4.94 is made absolute.

9. The OA is ordered accordingly. No order as to costs.



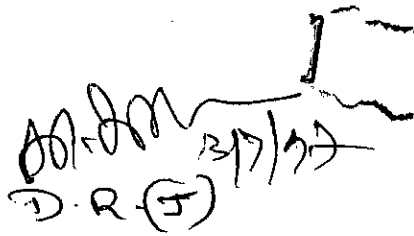
(B.S. JAI PARAMESHWAR)
MEMBER (JUDL.)

23.6.97



(R. RANGARAJAN)
MEMBER (ADMN.)

DATED: -23rd June, -1997
Dictated in the open court


D.R.(5)

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11/7/97 (a)

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN: M(A)

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR: M

DATED: 23/6/97

ORDER/JUDGEMENT

M.A./R.A/C.A. NO.

in

O.A. NO. 446/94

- Admitted and Interim directions Issued.
- Allowed
- Disposed of with directions,
- Dismissed.
- Dismissed as withdrawn.
- Dismissed for default
- Ordered/Rejected.
- No order as to costs.

YLKR

II Court.

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
ब्रेव्हल/DESPATCH
- 8 JUL 1997
हैदराबाद ब्याचपीठ
HYDERABAD BENCH