

CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD.

O.A. NO.1072 of 1994

Dated the 21st day of July, 1997.

BETWEEN.

B. VIJAYA KUMAR, Casual Mazdoor.. APPLICANTS  
B. Kistappa, Casual Mazdoor.  
M. Sivanna, Casual Mazdoor.  
C. Venkata Ramana, Casual Mazdoor.  
Y. Sree Ramulu, Casual Mazdoor.  
Fatima Bi, Casual Mazdoor. All are of Telecom Department  
AND of Kurnool & Cuddapah Dists.

1. The District Telecom Engineer,  
Kurnool District, Kurnool.
2. The Chief General Manager,  
Telecommunications,  
Andhra Circle,  
Hyderabad-500001
3. The Sub-Divisional Officer,  
Telecom, Hemmiganur,  
Kurnool District.
4. The Sub-Divisional Officer,  
Telecommunications, Adoni,  
Kurnool District.
5. The Sub-Divisional Officer,  
Telecommunications,  
Nandyal, Kurnool District. ...

RESPONDENTS

Counsel for the Applicants - Mr. J.V. Lakshman Rao

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

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CORAM :

THE HONOURABLE MR. R. RANGARAJAN, MEMBER (ADMN.)

THE HONOURABLE MR. B.S. JAI PARAMESHWAR, MEMBER (JUDL.)

ORDER ( ORAL )

(As per Hon. R. Rangarajan, Member (Administrative).)

Heard Mr. Joginder Singh for the applicants  
and Mr. K. Bhaskara Rao, Addl. CGSC for the respondents.  
There are six applicants in this O.A. They submit that  
they were sponsored by the local Employment Exchange and  
they were engaged as Special Mazdoors as per the details  
in the material papers vide Annexures-A1 to A8 (pages  
1 to 8 of the OA). They further submitted that as per  
D.G., Telecommunications, New Delhi's letter No.  
269-10/89/STN dated 7.11.89 they are entitled to

be conferred with temporary status as they had more than one year continuous service and had been engaged for a period of 240 days. It is further stated that they are still continuing as casual mazdoors and hence there should be no problem in conferring them with temporary status. No representation to confer them with temporary status has been filed by them. Learned counsel for the applicants submitted that they may be considered in view of their long service and in accordance with the existing rules.

2. This O.A. is filed praying for a direction to the respondents to confer temporary status to the applicants herein as per Director General, Telecom, New Delhi's letter No.269-10/89-STN dated 7.11.1989 (Annexure-A.3) from the date of eligibility with all consequential benefits.

3. A reply has been filed by the respondents in this O.A. It is stated in the reply that all the applicants had break in service at some time or the other. It is not necessary for us to indicate about the break in service as it has been incorporated in the reply itself. Learned counsel for the respondents further submitted that after break in service, they were engaged only from 1.9.88 i.e. after the cut-off date 22.6.88 and hence they were not eligible for conferring with temporary status or <sup>for</sup> regularisation. The DOT's instructions dated 7.11.89 and 17.12.93 are annexed to the reply. In view of the recent instructions of the DOT, the applicants are not entitled for grant of temporary status or regularisation.

4. It is not understood why the applicants were taken back on duty after the break in service.

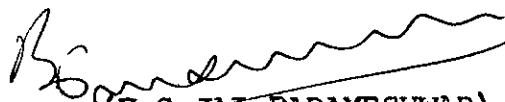
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It is also not clear <sup>whether</sup> ~~that~~ the break in service has been condoned or not. If the break in service has been condoned, then the applicants may be eligible for grant of temporary status or regularisation. It is stated in the DOT's letter dated 21.10.92 that no condonation beyond one year is to be considered and hence such cases need not be referred to Telecom Commission Headquarters. But the learned counsel for the applicants has brought to our notice para-2 of the DOT's letter dated 17.12.93 (Annexure-R-3 to the reply) wherein certain instructions were issued in regard to the consideration of such cases. It appears that the contents of the said letter have not been gone into by the respondents. In the present case, the applicants were not informed that they were engaged as fresh entrants after break in service. Hence we are of the opinion that the cases of the applicants need review. In that view of the matter, we direct the respondent No.2 to review the cases of the applicants and if required, forward their cases to the concerned authority for condoning the break in service and for grant of temporary service in accordance with the rules.

5. With the above directions, the O.A. is disposed of. No order as to costs.

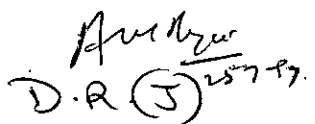
  
(B.S. JAI PARAMESHWAR)  
MEMBER (JUDICIAL).

  
( R. RANGARAJAN )  
MEMBER (ADMINISTRATIVE).

21.7.97

Dated the 21st day of July, 1997.  
Dictated in the open Court.

DJ/217.97.

  
D.R. (J) 25.7.97.

4/10/97

(18)

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  
(J)

DATED: 21/7/97

ORDER/JUDGEMENT

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

in

O.A. NO. 1072/94

Admitted and Interim directions  
Issued.

Allowed

Disposed of with directions.

Dismissed

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

No order as to costs.

केंद्रीय प्रशासनिक अधिकरण Central Administrative Tribunal TCH 11/8
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II Court.