

(31)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

O.A.No.578/94

Date of Order: 30.1.95

BETWEEN:

M.Subba Reddy

.. Applicant.

A N D

1. The Chief General Manager,  
Telecommunication (Telecom),  
Hyderabad.
2. General Manager, Telecommunication,  
Guntur.
3. Telecom District Engineer, Ongole.
4. The Assistant Engineer, Telecom,  
M/W., MTCE, Nellore. .. Respondents.

- - -

Counsel for the Applicant

.. Mr.P.Krishna Reddy

Counsel for the Respondents

.. Mr.N.V. Raghava Reddy

- - -

CORAM:

HON'BLE SHRI A.V.HARIDASAN : MEMBER (JUDL.)

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

- - -

O.A.No.578/94

Date of Order: 30.1.95

X As per Hon'ble Shri A.W.Haridasan, Member (Judl.) X

- - -

The applicant is aggrieved by the abrupt termination of his services by order dated 28.3.94 without conducting an enquiry and without even issuing him a notice. The applicant who commences casual service in the year 1986 was conferred temporary status w.e.f. 10.12.89. In accordance with the scheme the applicant was eligible for absorption. The termination of his services without giving any notice or any opportunity was illegal, arbitrary and unsustainable. Therefore, the applicant prayed that the impugned order dated 28.3.94 of the Telecom District Engineer may be set aside and the respondents be directed to reinstate the applicant in service with all consequential benefits including continuity of service, backwages and other benefits.

2. The respondents in their reply statement have contended that the applicant was only a casual mazdoor with temporary status and his services were terminated for the production of a bogus certificate <sup>from</sup> Railway Electrification P&T Madras. It is contended by the respondents that the services of the applicant would under these circumstances be terminated without issuing a notice and without conducting an enquiry as he was only a casual mazdoor.

3. Heard learned counsel for both the parties. The fact that the applicant was a casual mazdoor with temporary status and that his services were terminated without holding an enquiry and without even giving him an opportunity to be heard are not in dispute. In accordance with the scheme for grant of temporary status and regularisation to the casual mazdoor of Telecom Department the services of a

Copy to:-

1. The Chief General Manager, Telecommunication(Telecom), Hyd.
2. General Manager, Telecommunications, Guntur.
3. Telecom District Engineer, Ongole.
4. The Assistant Engineer, Telecom, M/W., MTCE, Nellore.
5. One copy to Sri. P.Krishna Reddy, advocate, CAT, Hyd.
6. One copy to Sri. N.V. <sup>Addl G-2e</sup> ~~Raghava Reddy~~, CAT, Hyd.
7. One copy to Library, CAT, Hyd.
8. One spare copy.

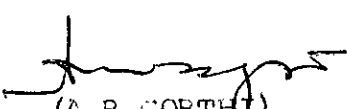
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casual mazdoor who <sup>had attained</sup> was ~~obtained~~ temporary status can be terminated <sup>for</sup> on misconduct only after holding an enquiry and upwarding a reasonable opportunity to defence himself. Obviously and admittedly this has not been done in the case of the applicant. We are of the considered view that the impugned order dated 28.3.94 has to be set aside as illegal. Since the applicant was only a casual mazdoor we are of the view that he <sup>would</sup> ~~should~~ not be entitled to any backwages.

4. In the result, the OA is allowed in part. The impugned order dated 28.3.94 terminating the services of the applicant is set aside and the respondents <sup>are directed to</sup> ~~shall~~ re-engage the applicant for casual service within a period of 15 days from the date of communication of this order. However it is made clear that this order will not preclude the respondents taking action against the applicant <sup>if they decide to do so</sup> ~~and if necessary~~ in accordance with law. There shall be no order as to costs.

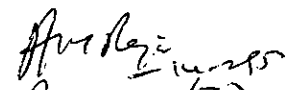
  
(A.B. GORTHY)  
Member (Admn.)

  
(A.V. HARIDASAN)  
Member (Judl.)

Dated: 30st January, 1995

(Dictated in Open Court)

sd

  
Dy. Registrar (3)

Contd---4/-

DA-5784y

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH

THE HON'BLE MR.A.V.HARIDASAN : MEMBER(C)

AND

THE HON'BLE MR.A.B.GORTHY : MEMBER(S)

DATED : 30/1/95

ORDER/JUDGEMENT.

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

O.A.No.

in  
5784y

Admitted and Interim directions  
issued

~~Allowed in part~~

Disposed of with Directions

Dismissed

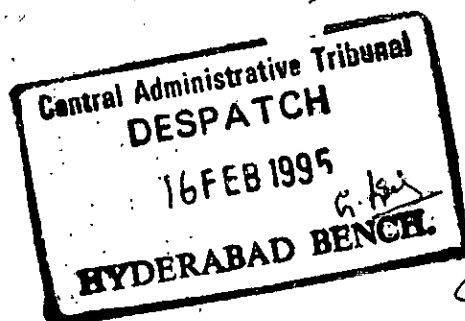
Dismissed as withdrawn

Dismissed for Default.

Rejected/Ordered

~~No order as to costs.~~

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