

(18)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

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D.A.608/95.

Dt. of Decision : 01-12-95.

S. Janardhan Reddy

.. Applicant.

Vs

1. The Sub-Divisional Officer,  
Telecom, Medak-502 110.
  2. The Telecom Distt. Engineer,  
Sangareddy-502 050.
  3. The Union of India, Rep. by  
the Chairman, Telecom Commission,  
New Delhi-110 001.
  4. The Chief General Manager, Telecom,  
Nampally, Hyderabad.
- .. Respondents.

Counsel for the Applicant : Mr. Ch. Jagannadha Rao

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

CORAM:

THE HON'BLE SHRI JUSTICE V. NEELADRI RAO : VICE CHAIRMAN

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

OA.608/95

Judgement

( As per Hon. Mr. Justice V. Neeladri Rao, V.C. )

Heard Sri Ch. Jagannath Rao, learned counsel for the applicant and Sri N.R. Devaraj, learned counsel for the respondents.

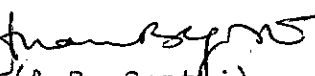
2. This OA was filed praying for a direction to the respondents to regularise the service of the applicant with effect from 1-4-1995 by reckoning his seniority from 8-10-1984 by extending the benefit of judgement in OA.734/94 dated 20-9-94.

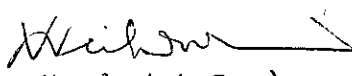
3. It is not in controversy that the service of the casual labour has to be regularised with effect from 1st April of the year by which he was appointed. The only point which arises for consideration in this case is as to whether the service rendered by Casual Mazdoor who was aged less than 18 years by the date of appointment, before completion of 18 years has to be taken into consideration for reckoning the 10 years of service. This is no longer res integra. It was held in OA.280/89 OA.840/94 and OA.737/94 on the file of this Bench (one of us i.e. Administrative Member is a member of Bench which disposed of OA.737/94) that the service rendered even before attainment of 18 years of age has to be reckoned for determination of 10 years of service as there is no bar for engaging one who is aged less than 18 years as Casual Mazdoor and the Apex Court dismissed the appeal against the judgement in OA.840/94.

4. Hence, this OA is ordered as under :

The service of the applicant even before the attainment of 18 years has to be taken into consideration for reckoning 10 years of service and on that basis he has to be regularised and the same has to be taken as basis for fixation of pay and that date has also to be considered for determination of seniority.

5. The OA is ordered accordingly. No costs. //

  
(A.B. Gorthi)  
Member (Admn)

  
(V. Neeladri Rao)  
Vice Chairman

Dated : December 1, 95  
Dictated in Open Court

  
Deputy Registrar(JpCC)

- To sk
1. The Sub Divisional Officer,  
Telecom, Medak-110.
  2. The Telecom Dist.Engineer,  
Sangareddy-050.
  3. The Chairman, Union of India,  
Telecom Commission, New Delhi-1.
  4. The Chief General Manager, Telecom,  
Nampally, Hyderabad.
  5. One copy to Mr.Ch.Jagannadha Rao, Advocate, CAT.Hyd.
  6. One copy to Mr.N.R.Devraj, Sr.CGSC.CAT.Hyd.
  7. One spare copy.
  8. One copy to Library, CAT.Hyd.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRIRAO  
VICE CHAIRMAN

AND

*AB Goshthi*  
THE HON'BLE MR. R. RANGARAJAN :M(A)

DATED: 1-12-1995

~~ORDER/JUDGMENT~~

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

in

O.A.No.

*608/95*

T.A.No.

(W.P.No. )

Admitted and Interim directions  
Issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Ordered/Rejected.

No order as to costs.

pvm.

*No Spare Copy*

