IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.951/95   Date of Order: 1.12.95

BETWEEN:

G.Govinda Rao   .. Applicant.

        A N D

1. The Sub Divisional Officer,
   Telecommunication, Vizianagaram.

2. The Telecom District Engineer,
   Vizianagaram.

3. The Chief General Manager,
   Telecommunication, Doorsanchar
   Bhavan, Nampally Station Road,
   Hyderabad.

4. The Chairman Telecom Commission,
   New Delhi.   .. Respondents.

Counsel for the Applicant   .. Mr.K.Venkateswara Rao

Counsel for the Respondents   .. Mr.V.Bhimanna

CORAM:

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

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

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Judgement

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

Heard Sri K. Venkateswara Rao, learned counsel for the applicant and Sri V. Bhimanna, learned counsel for the respondents.

2. This OA was filed praying for declaration that the applicant is entitled for regular absorption as Casual labour with effect from 10-4-1994 the date on which he completed 10 years of service as Casual Mazdoor including the service rendered by him prior to attaining the age of 18 years in terms of judgement in OA.280/89, with all consequential benefits such as seniority, pay and allowances and other benefits by holding that the action of the respondents in not regularising his service as Casual Labour on the ground that the service rendered prior to the attainment of the age of 18 years does not count for regular absorption is illegal, arbitrary, discriminatory and violative of Article 14 and 16 of the Constitution.

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 completes 10 years of service. 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 intagra. It was held in OA.280/89,
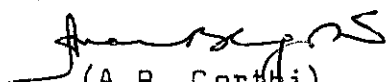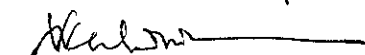
..2.

OA.840/94 and OA.737/4 on the file of this Bench (one of us i.e. Administrative Member) is a member of Bench which disposed 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 hasto 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)   (V. Neeladri Rao)
Member (Admn)   Vice Chairman

Dated : December,1, 95
Dictated in Open Court

Deputy Registrar(J)CC

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To
1. The Sub Divisional Officer,
   Telecommunications, Vizianagaram.

2. The Telecom District Engineer, Vizianagaram.

3. The Chief General Manager, Telecommunication,
   Doorsanchar Bhavan, Nampally Station Road,
   Hyderabad.

4. The Chairman, Telecom Commission, New Delhi.

5. One copy to Mr.K.venkateswar Rao, Advocate, CAT.Hyd.

6. One copy to Mr.v.Bhimanna, Addl.CGSC.CAT.Hyd.

7. One copy to Library, CAT.Hyd.

8. One spare copy.

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COMPARED BY   APPROVED B.

IN THE CENTRAL ADMINISTRATIVE
HYDERABAD BENCH AT HYDERABAD

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

AND

A B Gorothi
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.   951/95

T.A.No.   (W.P.No.

Admitted and Interim directi/
Issued.

Allowed.
Disposed of with direction
Dismissed.
Dismissed as withdrawn.
Dismissed for default.
Ordered/Rejected.
No/order as to costs.

No Spare

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