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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.1100/95

DATE OF ORDER : 05-06-1997.

Between :-

S.Nasheer

.. Applicant

And

1. The Sub-Divisional Officer,
Phones, Anantapur-515 004.
2. The Telecom District Manager,
Anantapur-515 050.
3. The Director-General, Telecom
(reptg. Union of India),
New Delhi - 110 001.

.. Respondents

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Counsel for the Applicant : Shri C.Suryanarayana

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

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CORAM:

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

(Order per Hon'ble Shri R.Rangarajan, Member (A)).

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(Order per Hon'ble Shri R.Rangarajan, Member (A)).

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Heard Shri C.Suryanarayana, learned counsel for the applicant and Shri N.R.Devaraj, learned standing counsel for the respondents. No reply is filed.

2. The applicant is the second son of one Sri Syed Rasool who retired in 1984 as Line Inspector in Telecom in Anantapur Telecom District. His son i.e. the brother of the applicant was ^{who} in service in the Department as Casual Labourer died of a lorry accident on 26-6-91. Sri Rasool made a representation to the Department to provide a livelihood to his younger son, the applicant herein, as he was depending on him for financial assistance. The Respondent No.2 herein by his letter addressed to Respondent No.1 (Annexure-2 to OA) directed ^{ed} him to provide employment to the applicant on contingency basis if he fulfills the age and other requirements. Respondent No.1 informed Respondent No.2 that the applicant will be engaged on contingency basis for the DTO work as per his earlier instruction vide letter No.E.21/90-91/203 (Annexure A-9 to OA). It is stated that the applicant was employed as a contingency worker from 6-5-92. The applicant has to be put in 240 days of service and he was not given 1/30th of wages with allowances as applicable to a regular Group-D Labourer in the Department. It is also complained that he was not brought on temporary status though he has fulfilled the necessary service eligibility.

3. This O.A. is filed to pay him at the rate of 1/30th wages of the Group-D employee as per the directions of DOPT as

no distinction can be made between a muster roll mazdoor and a contingency mazdoor and also to grant him temporary status with effect from 6-5-92.

4. The learned counsel for the applicant submits that the applicant was appointed on humanitarian ground. Even if he is appointed on humanitarian grounds, the same has to be done in accordance with law. No casual labourer can be appointed after 22-6-88 without being sponsored by the employment exchange. However, the learned counsel for the applicant relies on the judgement of the Apex Court in ^{and others} Ram Gopal/Vs. Union of India & others vide WP(C) No.1280/89 & batch cases to state that "no distinction can be made between those recruited after a cut off date as a class of employees and those that were recruited before the cut off date and that the benefits of the judgement in AIR 1987 SC 2342 are applicable to all workmen in equal measure if they were employed continuously for one year or more".

5. Learned counsel for the applicants further submits that the applicant is entitled for 1/30 of scale of pay applicable to a regular mazdoor and also for the ~~various~~ allowances in accordance with rules with arrears.

6. The applicant has not submitted any representation in this connection for granting him the prayer as above. He has approached this Tribunal without exhausting the normal channel of grievance redressal machinery. Normally section 20 of A.T.Act prohibits admission of such case if the normal channel is ^{by-passed} not approached first. In that view I feel that it is a fit case for the applicant to represent to Respondent No.3 in regard to his

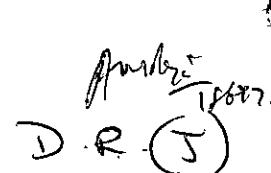
grievance and thereafter to approach the Tribunal, if he has not obtained any satisfactory reply to his representation.

7. In the result, the O.A. is disposed of directing the applicant to file a suitable representation to Respondent No.3 if so advised. If such a representation is received, the Respondent No.3 should dispose of the same in accordance with the rules within 3 months from the date of receipt of such a representation.

8. The Original Application is ordered accordingly. No costs.


(R.RANGARAJAN)
Member (A)

Dated: 5th June, 1997.
Dictated in Open Court.


DR (S)

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Copy to:

1. The Sub Divisional Officer, Phones, Ananthapur.
2. The Telecom District Manager, Ananthapur.
3. The Director General, Telecom, New Delhi.
4. One copy to Mr.C.Suryanarayana, Advocate,CAT,Hyderabad.
5. One copy to Mr.N.R.Devraj, Sr.CGSC,CAT,Hyderabad.
6. One copy to D.R(A), CAT,Hyderabad.
7. One duplicate copy.

YLKR

08/07/97

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HYD 772

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

5/6/87

ORDER/JUDGEMENT

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

in

O.A.NO. 1100/95

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 अधिकारिक अधिकारण
Central Administrative Tribunal

DESPATCH

- 4 JUL 1997

हैदराबाद आयोग
HYDERABAD BENCH