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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

O.A.1249/95

Date: 13-10-1997

Between:

P. Venkataramana .. Applicant

-versus-

1. Sub Divisional Officer,
Telecom,
Tirupathi - 517 501.

2. The Telecom District Manager,
Tirupathi - 517 502.

3. The Director General, Telecom
(representing U.O.I.
New Delhi - 110 001. .. Respondents

Counsel for applicant : Mr. C. Suryanarayana

Counsel for respondents : Mr. K. Ramulu, CGSC

Coram:

Hon'ble Shri H. Rajendra Prasad, Member(A)

JUDGMENT

(Per Hon'ble Shri H. Rajendra Prasad, Member (A) *by
13/4*

Mr. C. Suryanarayana for the applicant
and Mr. K. Ramulu, CGSC, for the respondents.

2. The applicant in this case claims to have been engaged as casual labourer between 1-8-1984 and 30-4-1992 under Respondent No.1. At Annexure A-1 the applicant produces copies of entries from the workdays register. Most of the entries in it are seen to be certified by the Sub Divisional Officer(s) concerned. These go to suggest that the applicant did indeed work for a long time during successive years. On the same basis, he claims a right for conferment of temporary status.

The applicant has not been engaged since 1992. The reasons, as advanced by the applicant and the respondents, to explain this continuing absence are different. While the applicant states that he was sick, the respondents maintain that he was simply absent without intimation or permission and was just absconding from duties.

3. The point in this OA is that at one stage sometime in 1991 the question of conferment of temporary status on the eligible casual mazdoors

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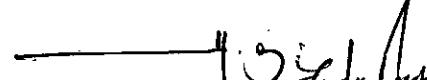
was duly considered by respondent No.1. It is, however, stated by the respondents that the applicant failed to submit his application through his immediate superior officer who was required to scrutinise the same and to countersign the service data as submitted by the applicant. In addition, the applicant was expected to submit his Mazdoor card/book. The applicant states that the required documents were submitted in the office of SDO but were not accepted or forwarded. The reasons for non-acceptance stated by the applicant are vague and unverifiable. In the result, the applicant has remained disengaged.

4. This would appear to be a case where the denial of temporary status, etc., to the applicant was not on account of his basic ineligibility as such, but due to the fact that his application did not reach the concerned authority in time, or was probably received directly in the O/O Respondent No.2. According to the counter-affidavit filed by the respondents, this was the reason which prevented consideration of his case. It is felt in the interests of justice that, in the light of the facts revealed, the question of conferment of temporary status under the scheme ought to be considered in this case in terms of eligibility

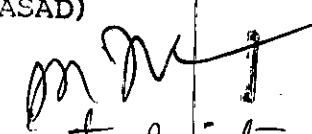
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without an undue stress on whether or not the application with necessary data was received in time, or directly, when the candidate is basically eligible for it. It is fair therefore to direct the applicant to submit a representation supported by necessary data in his possession, to respondent No.1 within 15 days from the date of receipt of a copy of this order. Respondent No.1 shall thereafter have the entries in the daysbook checked with reference to records in his office and forward the same to TDM within 15 days of the receipt of such a representation. On its receipt by respondent No.2, the case shall be examined on pure merit of the representation, and as per eligibility with strict regard to rules of the scheme and instructions issued thereunder. This may be done within one month from the date of receipt of the case (from respondent No.1) in the office of respondent No.2. This course of action is to be taken in order that the claim of the applicant, if he is otherwise eligible for conferment of temporary status etc., should not go by default and be denied merely on the grounds of delay in submission of the application as the same would constitute avoidable inequity if it is otherwise a deserving case. Thus the OA is disposed of.

MD


(H. RAJENDRA PRASAD)
Member (A)

Date: 13-10-1997
Dictated in open court


Deputy Registrar

O.A. 1249/95.

To

1. The Sub Divisional Officer,
Telecom, Tirupathi-501.
2. The Telecom Dist. Manager,
Tirupathi-502.
3. The Director General, Telecom,
Union of India, New Delhi-1.
4. One copy to Mr C.Suryanarayana, Advocate, CAT.Hyd.
5. One copy to Mr.K.Ramulu, Addl.CGSC. CAT.Hyd.
6. One copy to HHRP.M.(A) CAT.Hyd.
7. One copy to D.R.(A) CAT.Hyd.
8. One sparecopy.

pvm

13/10/97
I Court.

TYPED BY:

CHECKED BY:

COMPARED BY:

APPROVED BY:

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE.
VICE-CHAIRMAN

And

THE HON'BLE MR.H.RAJENDRA PRASAD :M(A)

DATED:- 13/10/97

~~ORDER/JUDGMENT.~~

M.A.,/RA.,/C-A.No..

in

O.A.No. 1249/95.

T.C.A.No.

(W.P.)

Admitted and Interim directions issued.

Allowed

Disposed of with Directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default

Ordered Rejected

No order as to costs.

