

(14)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD.

O.A.NO.281 of 1995.

Between

Dated: 20.10.1995.

S.A.Hameed

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Applicant

And

1. The Sub Divisional Officer, Telecom, Markapur, Prakasam District A.P.
2. The Telecom District Manager, Kurnool, A.P.
3. The Divisional Engineer, Telecom, Ongole, Prakasam District
4. The General Manager(P&A), Telecommunications Consultants India Ltd., (Govt. of India Enterprise), Chiranjeevi Towers, 3rd floor 43, Nehru Palace, New Delhi.
5. The Chief General Manager Telecom,Door Sanchar Bhavan, Nampally road, Abids, Hyd.

... Respondents

Counsel for the Applicant : Sri. Krishna Devan

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

CORAM:

Hon'ble Mr. R.Rangarajan, Administrative Member

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D.A.281/95.

Dt. of Decision : 20-10-95.

ORDER

{ As per Hon'ble Shri R.Rangarejan, Member (Admn.) }

Heard Shri Krishna Devan, learned counsel for the applicant and Shri N.R.Devaraj, learned counsel for the respondents.

2. The case of the applicant as narrated by him in this OA is as follows:-

The applicant was appointed in the year 1984 as a daily rated regular mazdoor in Markapur Sub-Division and since then he was continuously working as such till April 1991 when he was sent to TCIL by Shri P.Konda Reddy, Junior Engineer, Markapur. The applicant was relieved on 05-04-91 along with three others and thus deputed to TCIL, New Delhi in connection with the work related to Micro Wave Tower Projects. The applicant reported to R-4 on 10-04-91 and he was directed by R-4 to proceed to Micro Tower Projects works of Mecca, Riyadh and Kuwait during the period 10-04-91 to 29-03-92. While working with TCIL Project, Kuwait, he fell sick and he was repatriated to TCIL, India on 29-3-92 by order No.KU/TCIL/PER/064AA issued by the TCIL authority stationed at Kuwait. On reaching India he took treatment for his illness and remained on medical leave without pay and allowances which was been sanctioned by R-4. R-4 relieved the applicant on 04-8-93 with a direction to report for posting orders to R-5(The Chief General Manager, Telecom, A.P. Circle, Hyderabad) vide letter No.TCIL/PER/78-90 PER dated 03-08-93. The applicant reported to the Assistant General Manager, Administration, Office of the R-5 on 6-8-93. R-5 in his letter No.TA/STA-9-10/III dt. 19-10-93 addressed to R-4 sought certain information regarding the details of the applicant in regard to place from which he was deputed.

to TCIL and also the authority under which he was deputed. So far no instructions has been issued by R-5 in regard to the applicant to join duty. The applicant since 6-8-93 is under the control of R-5 and awaiting orders for joining duty.

3. In view of the position as stated by him and the order passed by R-5 to re-engage the applicant in any of the sub-division in AP Circle, he has filed this OA for a direction to the respondents to issue posting orders immediately and also for a direction to the respondents to treat the period from 06-08-93 till the date of joining as on duty.

4. No reply has been filed in this connection. However, the learned standing counsel for the respondents submitted that strenuous efforts have been made to locate the papers in regard to his deputation to TCIL and other efforts made to locate the files containing the above proved to be futile so far. The learned standing counsel further stated that no papers so far is available in regard to his deputation to TCIL and also records regarding his ^{initial} engagement as a casual labour in Markapur sub-division.

5. From letter of TCIL dt. 29-03-92 and 3-8-93 enclosed to this OA, it looks that the applicant could have been deputed to TCIL. But there is no rule produced by the applicant to show that rule exists to depute a casual labour on deputation to autonomous body like TCIL. However, as there is some evidence to show that he could have been engaged in the Telecommunication Department of

Copy to:-

1. The Sub Divisional Officer, Telecom, Markapur, Prakasam
2. The Telecom District Manager, Kurnoo, A.P.
3. The Divisional Engineer, Telecom, Ongole, Prakasam Dist, A
4. The General Manager(P&A), Telecommunications Consultants India Ltd., (Govt of India Enterprise), Chiranjeevi Towers, 3rd floor, 43, Nehru Palace, New Delhi.
5. The Chief General Manager Telecom, Door Sanchar Bhavan, Nampally road, Abids, Hyd.
6. One copy to Sri. Krishna Devan, Advocate, CAT, Hyd.
7. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
8. One copy to Library, CAT, Hyd.
9. One spare copy.

Rsm/-

A.P.Circle, some relief though not fully as asked for by him can be granted to the applicant under the present circumstances of the case.

Directions given:-

The applicant should be engaged as casual labour muzdeer in Markapur sub-division of Ongole Division, if there is work and without retrenchment of any of the casual labour already in employment. If there is no work to re-engage him in pursuance of the above direction his name shall be registered as the last one in the re-engagement register below, all those who have already been registered for casual labour employment on the date of the judgement.

7. The OA is ordered accordingly. No costs.

7. Before parting with this case, I would like to place on record the strenuous efforts taken by Mr.N.R.Devaraj, learned standing counsel to get this issue solved amicably. Though he could not get the relevant details in regard to ^{the} this case, his efforts to procure ^{the} same is laudable.

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(R. Rangarajan)
Member (Admn.)

Dated : The 20th October 1995.
(Dictated in Open Court)

Amma
Dr. Registrar (J)

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COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

R. R. Rajan.
HON'BLE MR. A. B. GORTHI, ADMINISTRATIVE MEMBER.

HON'BLE MR.

~~JUDICIAL MEMBER.~~

ORDER/JUDGEMENT:

DATED: *26/10/ 1995.*

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

IN
O.A.NO. *281/95*

T.A. NO. (W.P. NO.)

ADMITTED AND INTERIM DIRECTIONS ISSUED.

~~ALLOWED.~~

~~DISPOSED OF WITH DIRECTIONS.~~

~~DISMISSED.~~

~~DISMISSED AS WITHDRAWN.~~

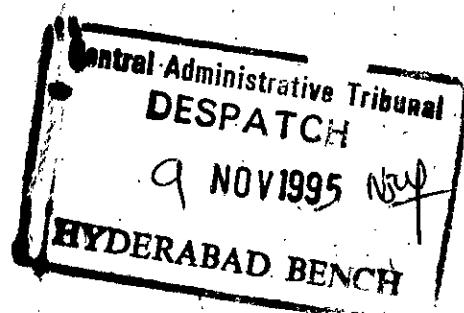
~~DISMISSED FOR DEFAULT.~~

~~ORDERED/REJECTED.~~

~~NO ORDER AS TO COSTS.~~

Rsm/-

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