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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA 464/95

Date of decision: 21.8.97

Between:

K. Sivaiah

.. Applicant

And

1. Union of India,
rep. by Chief General Manager,
Telecommunications,

2. Telecom District Manager,
Kurnool Telecom,
Kurnool.

3. Divisional Engineer,
Telecom, Maintenance,
Kurnool.

.. Respondents

Shri J.V. Lakshmana Rao

.. Counsel for applicant

Shri V.Rajeshwara Rao

.. Counsel for respondents

CORAM

HON'BLE SHRI H. RAJENDRA PRASAD, MEMBER (ADMINISTRATIVE)

O R D E R

Heard Shri J.V. Lakshman Rao for the applicant and Shri V. Rajeshwara Rao for the respondents.

2. The applicant ~~who~~ was engaged initially as a casual labourer under Respondent-2 in November, 1991. He was discharged from casual service on 16.2.95. He claims that he has put in more than 240 days service in one year and a total service of 1202 days from the date of his first appointment and that, consequently, he has become entitled to grant of temporary status as envisaged under the scheme evolved by the respondents.

3. The respondents in their counter-affidavit state that the applicant was engaged for pumping water in the P&T Quarters purely on casual basis and was paid daily wages. No order was issued appointing him.. They have furnished a statement showing the details of the engagement of the applicant between 1991 and 1994. According to this he was engaged for 421 days with

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intermittent breaks. According to the respondents the applicant did not turn up for duty from May 1994 onwards. He is therefore ineligible to be considered for grant of department. It is also added that, as per the latest decision of the department, only those casual labourers who are engaged between 31.3.85 and 22.6.88 and are still continuing in work for which they ^{were} originally engaged, and who are not absent for more than one year prior to 17th December, 1993 (the date of issue of the latest order), are only eligible for consideration. The applicant does not fulfil any of these requirements. Hence he is not entitled to any of the reliefs claimed by him.

3. An interim order was passed on 10.5.95 directing the respondents to consider the engagement of the applicant provided there was work available for him, in preference to any of his juniors or fresh candidates from the open market. In pursuance of this, it is submitted by Shri J.V.Laxman Rao that the applicant has been re-engaged and has been working continuously ever since. Mr. Rajeswara Rao, on behalf of the respondents, clarifies that his engagement was not as casual labourer but as a contract labourer through an agency and he is continuing in the same capacity.


4. It is submitted on behalf of the applicant that his only request in this case now is that his case for grant of temporary status should be favourably considered if and when the department decides to extend the scope of the scheme beyond 22.6.88. Accordingly it is directed that his case be considered favourably if and when the government decides to extend the scope of the scheme beyond 22.6.88 at any time in future.

Thus the O.A. is disposed of.


(H. Rajendra Prasad)
Member (Administrative)

21st August, 1997

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Deputy Registrar

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O.A.464/95.

To

1. The Chief General Manager, Union of India,
Telecommunications, Hyderabad.
2. The Telecom Dist. Manager,
Kurnool.
3. The Divisional Engineer, Telecom,
Maintenance, Kurnool.
4. One copy to Mr. J.V. Lakshmana Rao, Advocate, CAT. Hyd.
5. One copy to Mr. V. Rajeswar Rao, Addl. CGSC. CAT. Hyd.
6. One copy to HHRP.M.(A) CAT. Hyd.
7. One copy to D.R.(Ad) CAT. Hyd.
8. One spare copy.

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I Court.

TYPED BY:

CHECKED BY:

CONTINUED BY:

APPROVED BY:

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE.
VICE-CHAIRMAN

And

DATED:- 21/8/97.

ORDER/JUDGMENT.

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

in

404/95

T.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.

