

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO. 1125 of 1996

DATE OF JUDGEMENT: 23rd October, 1996

BETWEEN:

K. NARASIMHULU

.. Applicant

and

1. Union of India represented by
the Secretary, Ministry of Communications,
Dept. of Telecom, New Delhi 110001,
2. The Chief General Manager,
Telecom, AP Circle, Hyderabad,
3. The Telecom District Manager,
Bhopal Complex, Kurnool 518001,
4. The Sr. Superintendent,
Telegraph Traffic (SSTT),
Divisional Engineer (Telecom) (Admn.),
Kurnool 518001,
5. The Assistant Superintendent,
Telegraph Traffic/U,
Junior Telecom Officer D.T.O,
Adoni 518301.

.. Respondents

COUNSEL FOR THE APPLICANTS: SHRI BSA SATYANARAYANA

COUNSEL FOR THE RESPONDENTS: SHRI V. BHIMANNA, Addl. CGSC

CORAM:

HON'BLE SHRI R. RANGARAJAN, MEMBER (ADMN.)



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JUDGEMENT

(ORAL ORDER PER HON'BLE SHRI R.RANGARAJAN, MEMBER(ADMN.)

Heard Shri BSA Satyanarayana, learned counsel for the applicant and Shri V.Bhimanna, learned standing counsel for the respondents.

2. The applicant was discharged from Army service while working as Lance Naik as he did not comply with the medical category prescribed for continuing him as Lance Naik. However, it is stated that he was fit for low medical category for Civil employment as per the discharge certificate. A copy of the discharge certificate is annexed at Annexure A-1 at Page 8 of the OA. It is also stated that he had requisite training and possessed technical qualification as Operator Radio and Key Board. The trade proficiency certificate is annexed as Annexure A-3. He was taken as a Short Duty Telegraphist (SDTL for short) in the Telegraph Office at Adoni on 24.12.90 and he was discharged on 14.8.91. Thereafter he worked as SDTL in Yemmiganur in Kurnool District from 26.2.92 to 23.11.93. He was once again reengaged as SDTL at DTO, Adoni under R-5 from 26.6.94 to 28.2.95. Lastly he worked under R-5 from 1.3.95 to 8.8.96 as SDTL at Telecom Centre at Aluru, Kurnool District with a break of 40 days from 22.10.95 to 30.11.95 due to illhealth. It is stated that his short duty Telegraph assignment was terminated by order of R-5.

3. This OA is filed praying for direction to the respondents to regularise the services of the applicant with

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all consequential benefits from the date of his initial appointment i.e., from 24.12.90.

4. The applicant is now out of service. Hence the question of regularisation of service at this juncture does not arise. Regularisation of service can be considered only if the applicant is in service. Hence the question of reengaging him in service has to be considered on the basis of the facts of this case. If he is reengaged and continued in accordance with the rules, the question of regularisation will arise as the case of regularisation may have to be considered by the competent authority in accordance with the rules of the Department after his engagement. Hence no order is necessary at this juncture for regularising his services. But the case of the applicant only for reengagement needs consideration in this OA.

5. It is seen from the facts of this case that the applicant was initially engaged as SDTL at Adoni on 24.12.90. Thereafter he was discharged and reengaged as indicated supra. Lastly he worked at Aluru, Kurnool from 1.3.95 to 8.8.96 with a break of 40 days in between due to ill-health. Hence it is to be presumed that the applicant was engaged as and when necessity ^{has} arisen. It may also be concluded that his present discharge is due to the fact that there is no need to continue him as SDTL as there may not be sufficient work to continue him in that post.



6. Under the above circumstances, the only direction that can be given in this OA is to reengage him if there is work in future as SDTL in preference to freshers who are not already in the Telecom Department as SDTL.

7. In the result, the following direction is given:-

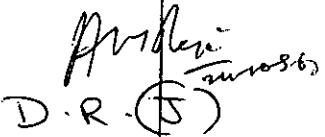
R-3 should consider the case of the applicant for reengagement as SDTL in future if there is work in Telegraph Offices under his control in preference to freshers from the open market who are not already worked even on casual basis as SDTL.

8. The OA is ordered accordingly at the admission stage itself. No costs.


(R. RANGARAJAN)
MEMBER (ADMN.)

DATED: - 23rd October, 1996
Open court dictation.

vsn


D.R. (S)

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O.A.NO.1125/96

Copy to:

1. The Secretary, Min. of Communications,
Dept. of Telecom, New Delhi.
2. The Chief General Manager, Telecom,
A.P.Circle, Hyderabad.
3. The Telecom District Manager,
Bhopal Complex, Kurnool - 518 001.
4. The Senior Superintendent, Telegraph Traffic(SSTT),
Divisional Engineer,(Telecom)(Admn)
Kurnool - 518 001.
5. The Assistant Superintendent,
Telegraph Traffic/U,
Junior Telecom Officer, D.T.O.,
Adoni- 518 301.
6. One copy to Mr.B.S.A.Satyanrayana, Advocate,
CAT,Hyderabad.
7. One copy to Mr.V.Bhimanna, Addl.CGSC,
CAT,Hyderabad.
8. One copy to Library,CAT,Hyderabad.
9. One duplicate copy.

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C.C. by Monday

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Approved by

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

DATED: 23.10.96

ORDER/JUDGEMENT
R.A/C.P./M.A.NO.

in
O.A.NO. 1125/96

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED
DISPOSED OF WITH DIRECTIONS
DISMISSED
DISMISSED AS WITHDRAWN
ORDERED/REJECTED
NO ORDER AS TO COSTS.

YLKR

II COURT

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