

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

C.A.1282/96.

Dt. of Decision : 04-11-96

Smt. A. Laxmibai

.. Applicant.

Vs

1. The Telecom Commission,
Rep. by its Chairman,
Telecommunications, New Delhi.
2. The Director General,
Telecommunications, New Delhi.
3. The Chief General Manager,
Telecommunications, A.P.Circle,
Abids, Hyderabad.
4. The Dy.General Manager (Admn.),
O/o the CGMT, Telecommunications,
AP Circle, Abids, Hyderabad. .. Respondents.

Counsel for the Applicant : Mr. V.Venkateswara Rao

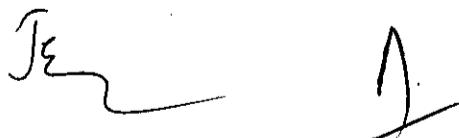
Counsel for the Respondents : Mr. V.Vinod Kumar, Addl.CGSC.

CORAM:

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

THE HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (JUDL.)

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ORDER

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

Heard Mr. Phaniraj for Mr. V. Venkateswara Rao, learned counsel for the applicant and Mr. V. Vinod Kumar, learned counsel for the respondents.

2. The applicant in this OA ~~alleged~~ ^{submitted} that she has been engaged as casual labour in the DOT from 04-09-87. The applicant further contend that by reason of her length of service without break as casual labourer from the date of her engagement she has become entitled ~~to~~ granted of temporary status and regularisation under the Casual Labourers (Grant of Temporary Status and Regularisation Scheme. It is her grievance that the respondents have however not granted her Temporary Status and regularisation. She therefore prays that the respondents may be directed to give her the benefit of the scheme. The applicant also challenges the letter No. TA/TEG/20-1/92/PT/KW dated 31-07-95 (Annexure-A-I) which states that they are contemplating disengaging her from work.

3. The scheme mentioned above came into force with effect from 1-10-89. The eligibility for acquiring temporary status which is essential for regularisation thereafter is that the employee should have been employed currently i.e., on 1-10-89 and should have rendered a continuous service of one year, out of which she must have been engaged for a period of 240 days. An enquiry into this factual date in respect of the present applicant can be carried out only by the department. If it has not been correctly worked out by the employee.

4. The applicant now submits that her case is squarely covered by the Judgement in OA. No. 777/96 delivered on 18-6-96 and further submits that similar order may be passed in this OA also.

5. The learned standing counsel for the respondents submit that he has no objection if a similar order is passed in this OA. Hence, the following ~~Order is~~ passed:-

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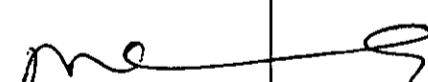
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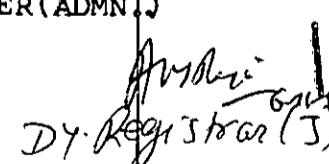
It is left open to the applicant to file ~~representation~~ to the respondents for relief in the light of what is discussed herein above subject to following conditions viz., she shall have been factually working as on today and secondly the representation is filed within a period of 6 weeks from today:

6. On the representation being received from the applicant by the respondents ~~in the respective places~~ within the period stipulated herein above, the authority concerned shall examine the matter and take a decision as to whether benefit of the scheme can be extended to the applicant and if not, record brief reasons in support of that decision. A copy of the decision shall be supplied to the applicant.
7. The representation to be decided as early as possible preferably within a period of two months from the date of filing of the representation.
8. The respondents are directed that the applicant who files a representation within the stipulated time shall not be dis-engaged until a period of 2 weeks expires after the decision on the representation in the event of rejection of the representation is communicated to the ~~said~~ applicant. The direction to stand automatically vacated after that period.
9. With the above observations, the OA is disposed of ~~itself~~ at the admission stage. No order as to costs.


4.11.96
(B.S. JAI PARAMESHWAR)
MEMBER (JUDL.)


(R. RANGARAJAN)
MEMBER (ADMN.)

Dated : The 4th Nov. 1996.
(Dictated in the Open Court)


D.Y. Registrar (J)

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Copy to:-

1. The Chairman, Telecommunications, Telecom Commission, New Delhi.
2. The Director General, Telecommunications, New Delhi.
3. The Chief General Manager, Telecommunications, A.P.Circle, Abids, Hyd.
4. The Dy. General Manager(Admn.), O/O The CCGMT, Telecommunications, A.P.Circle, Abids, Hyd.
5. One copy to Sri. V.Venkateswara Rao, advocate, CAT, Hyd.
6. One copy to Sri. V.Vinod Kumar, Addl. CGSC, CAT, Hyd.
7. One copy to Library, CAT, Hyd.
8. One spare copy.

Rsm/-

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THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN: M(A)
Hon Mr. B.S. S. Parameshwar (3)

DATED: 4/11/96

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

in

O.A. NO.

1282/96

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS.

YLKR

II COURT

केन्द्रीय प्रशासनिक अधिकारण
Central Administrative Tribunal

डेस्पॉल/DESPATCH

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हैदराबाद न्यायपीठ
HYDERABAD BENCH