

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCHO.A.709/96

Date: 30-7-1998

Between:

Z. Bhaskara Rao

.. Applicant

A N D

1. The Sub Divisional Officer,
Telecommunications,
Tanuku.
2. The Telecom District Manager,
Eluru.
3. The Chief General Manager,
Telecom,
A.P. Circle,
Doorsanchar Bhavan,
Nampally Station Road,
Hyderabad.
4. The Director General,
Telecommunication,
New Delhi.
5. The Assistant Engineer,
Cables, (Planning and Construction)
74-13-3, Prakashnagar,
Rajahmundry.

.. Respondents

Counsel for the applicant : Mr. K. Venkateswara Rao

Counsel for the Respondents: Mr. V. Rajeshwara Rao

Coram:

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

Hon'ble Shri B. S. Jai Parameshwar, Member (J)

Jai

...2/-

OA 709/96

Date: 30-7-1998

(Per Hon'ble Shri B.S. Jai Parameshwar, M(J)

Heard Mr. K. Venkateswara Rao for the applicant and Mr. V. Rajeshwara Rao for the respondents.

2. The applicant herein was originally engaged as Casual Mazdoor on 1.2.1983 by respondent No.1 and he worked as such upto 31-3-86. He also worked as Casual Mazdoor from 1-5-1987 to 31-8-1987 under respondent No.1. From 8-3-1991 to 30-4-1991 under SDOT, Rajahmundry, from 10-6-91 to 31-12-1992 under A.E. Cables (Planning and Construction), Rajahmundry and SDOP Rajahmundry.

3. While working as such the applicant tried to go back to his parent unit to work under Respondent No.1. At that time he was not given the work. Then applicant filed OA No.328/93 and the said OA was disposed of on 15-4-1993 directing the respondent No.1 to pass final orders on the representation of the applicant dt. 2-1-1993 within 15 days from the date of communication of the order. Then the respondent No. 1 considered the representation and intimated the applicant that he was having breaks for more than one year w.e.f. 1.4.1986 ~~to~~ to 30-4-1987 and his case cannot be considered for granting temporary status. But the applicant was, however, re-engaged as Casual Mazdoor w.e.f. 1-1-1994 as per the directions in the judgment and since then he has been working in that capacity. The applicant submits that he was not provided with any work from 1-1-1993 to ~~31~~ 31-12-1993 without any valid reason. While he was working as such the fourth respondent issued letter No. 269-4/93-STN-II dt. 17-12-1993 communicated by third respondent by letter dated 30-12-1993 regarding grant of temporary status and regularisation to casual labourers and directed to extend temporary status

to all those casual mazdoors who were engaged between 31-3-1985 to 22-6-1988 and who were still continuing in service and who were not absent for more than 365 days counting from the date of issue of the said order.

4. The applicant submits that when respondent No.1 did not provide him any work from 1-1-1993 he filed OA No.328/93. The said OA was disposed of on 15-4-1993 directing respondent No.1 to dispose of his representation ~~of~~ within 15 days of receipt of the order. Applicant submits that he was re-engaged from 1-1-1994 and has been continuing as such till now.

5. The applicant therefore prays ~~that~~ for a direction to condone the break in service from 1-1-1993 to 31-12-1993 which was caused for not providing work to him by the respondent No.1 and ~~subsequently for~~ consequently for a declaration that he is entitled to grant of temporary status in accordance with DOT letter No. 269-4/92-STN-II dt. 17-12-1993 communicated by letter dt. 30-12-1993 of the CGM Telecom AP Circle, Hyderabad with all consequential benefits by holding the action of the respondents in rejecting the grant of temporary status to the applicant is illegal, arbitrary and discriminatory.

6. The respondents have filed counter stating that the applicant had approached this Tribunal earlier on two occasions, that there was a break ^{in service} between 1-4-1986 to 30-4-1987, that he was not entitled for grant of temporary status as per letter dt. 17-12-1993.


7. The break that has occurred in the service

of the applicant between 1-1-1993 to 31-12-1993 was on account of respondent No.1 not providing any work to the applicant. On the two occasions when the applicant approached this Tribunal, this Tribunal directed the applicant to submit representation and directed the respondent No.1 to consider and dispose of the representation.

8. Learned counsel for the respondents in their counter admit that between 1-1-1993 to 31-12-1993 the applicant was not engaged as there was no work. Further it is submitted that the applicant has been in continuous service only from 1-1-1994 and his ~~xxx~~ claim for grant of temporary status will be dealt with in accordance with the departmental rule in force. When the respondents themselves concede to consider the claim of the applicant for grant of temporary status basing the length of service from 1-1-1994 we direct the respondent No.1 to consider the claim of the applicant for grant of ~~of~~ temporary status and a decision may be taken within four months from the date of communication of the order. If it is found possible to grant him temporary status within this period as per his turn and departmental rules, the same should be done. If it is found that his turn is yet to arrive and that he cannot be granted temporary status within four months, it shall then be necessary for the respondents to inform immediately on ~~xxx~~ expiry of four months what exactly is ^{his} the position in the list of seniority for the purpose of grant of temporary status and

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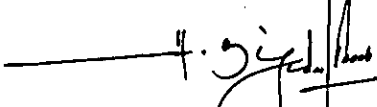
howmany eligible officials senior to him are still
to be conferred a similar status. Until then the
services of the applicant shall not be dis-engaged.


(B.S. JAI PARAMESHWAR)

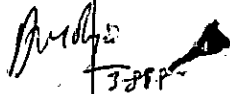
Member(J)

30.7.98

MD


(H. RAJENDRA PRASAD)

Member (A)


Deputy Registrar

O.A. 709/98

To

1. The Sub Divisional Officer,
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Hyderabad.
4. The Director General, Telecommunication,
New Delhi.
5. The Assistant Engineer, Cables,
(Planning and Construction)
74-13-3-, Praksahnagar, Rajahmundry.
6. One copy to Mr.K.Venkateswar Rao, Advocate, CAT.Hyd.
7. One copy to Mr.V.Rajeshwar Rao, Addl.CGSC. CAT.Hyd.
8. One copy to HBSJ).M.(J) CAT.Hyd.
9. One copy to DR(A) CAT.Hyd.
10. One spare copy.

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12/9/98
I COURT

TYPED BY

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE

AND VICE-CHAIRMAN

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

The Hon'ble Mr. B. S. Jaipal Kumar: M(A)

DATED: 30-7-1998.

ORDER/JUDGMENT

M.A./R.A./C.A.No.

in

O.A.No. 709/96.

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.

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