

15

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

CA.729/96

dated : 21-6-96

Between

M. Rajanna

: Applicant

and

1. The Dist. Telecom Manager
Karimnagar District
Dept. of Telecommunications
Govt. of India, Karimnagar Dist(AP)

2. Sub Divnl. Officer(Telecom)
Jagtial Sub Divn.
Karimnagar Dist.(A.P.)

Counsel for the applicant : P. Naveen Rao

Counsel for the respondents:

CORAM

HON. MR. JUSTICE M.G. CHAUDHARI, VICE CHAIRMAN

HON. MR. H.RAJENDRA PRASAD, MEMBER (ADMN.)

Judgement

Oral Order (per Hon. Mr. Justice M.G. Chaudhari, VC)

It is an unfortunate case of an ex-casual mazdoor who seeks employment with the respondents. The applicant was engaged as Casual mazdoor between 1980-1983. He was not engaged at any point of time ^{there} after. He applied on 15-2-1995 to the SDO(Telecom), Jagtial, seeking reemployment. That has not been given. Hence, he has filed the OA. He seeks a declaration that the policies of the respondents in terminating the services of the seniors and engaging freshers and new comers in preference to old mazdoors and giving them regular status is irregular, arbitrary and discriminatory. Hence he prays that the respondents may be directed to reengage and continue to

engage the applicant and confer on him all benefits such as assignment of temporary status, benefit of seniority etc. as per the scheme of regularisation of services of the casual mazdoors.


2. The applicant has made a very tall claim. His grievance is about the policy. It is a known fact that after 1985 Recruitment of Casual Mazdoors in Telecom Department was banned. However inspite of that casual mazdoors were being engaged from time to time. As a Welfare measure the Supreme Court was pleased to ^{direct} ~~direct~~ Government ~~to~~ formulate appropriate scheme in respect of such labourers. Schemes ^{came to} ~~can~~ be drawn up by different Department, and such ^a scheme was drawn in the Telecom Dept. in the year 1988. The applicant therefore necessarily has to fall under the scheme and can get benefit there ~~of~~ provided he fulfils the conditions prescribed therein. That is nothing to do with the policy adopted in 1993 of engaging casual labours. Even otherwise, ^{the fact} ~~on the ground that~~ he had ~~put in~~ ^{that can} work as casual labour for 917 days way back in 1983 ~~that does not~~ automatically clothes the applicant with a right to be regularised as Group-D employee. In any event if his disengagement was wrongful in 1983 that question cannot be opened after a lapse of nearly 13 years. Such a claim would be barred by limitation. Turning now to the benefit of the scheme relating to the Telecom Department, ~~required~~ one of the conditions ~~of~~ ^{therein} eligibility ^{is} of being in employment on 1-10-1989. Such a Mazdoor if he had put in 240 days in a year prior thereto alone would be eligible to be considered for grant of temporary status and regularisation. Admittedly the applicant was out of engagement after 1983 and was not currently engaged


hiser

on 1-10-1989. He therefore does not fall within the ambit of the scheme. Thus since from any angle it is not possible to direct the respondents to grant him employment in law although one may have different approach on sympathetic considerations. ^{this} It is not a case where we can come to the rescue of the applicant on sympathetic ground alone.

3. It is a matter of common knowledge that the recruitment of fresh casual labour is not being encouraged in the Telecom Department. In the event of any such recruitment takesplace we have no reasons to assume that respondents may not consider the application of the applicant dated 15-2-1995 for the employment taking into consideration his past service.

4. Hence, as no grievance which can be redressed as per law has been disclosed the OA is summarily rejected.


(H. Rajendra Prasad)
Member (Adm.)


(M.G. Chaudhari)
Vice Chairman

Dated : June 21, 96
Dictated in Open Court


Deputy Registrar COCC

sk

To

1. The District Telecom Manager,
Karimnagar Dist. Dept. of Telecommunications,
Govt. of India, Karimnagar Dist. A.P.
2. The Sub Divisional Officer (Telecom)
Jagitial Sub Divn, Karimnagar Dist. A.P.
3. One copy to Mr. P. Naveen Rao, Advocate, CAT. Hyd.
4. One copy to Mr. .. Addl. CGSC. CAT. Hyd.
5. One copy to Library, CAT. Hyd.
6. One spare copy.

pvm.

13/7/96

I COURT

TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE M.G. CHAUDHARI
VICE-CHAIRMAN

AND

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

Dated: 21-6-1996

~~ORDER~~ JUDGMENT

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

in

O.A.No. 595/96 729/96.

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.

pvm

