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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

Original Application No. 777/96.

Dt. of Order: 18-6-96.

Between :-

- | | |
|-----------------------|------------------------------|
| 1. T.Hanumanthu | 17. J.Guru Prasad |
| 2. H.Vijaya Kumar | 18. R.Jayaraju |
| 3. J.Siva Sai Kumar | 19. S.Shahealam |
| 4. R.Prasad | 20. R.Varadha Reddy |
| 5. T.R.Srinivasa Rao | 21. V.Jayaramudu |
| 6. A.Jagadish Kumar | 22. S.Ameer Basha |
| 7. S.Nagabhushanam | 23. A.Venugopala Rao |
| 8. G.Krishna | 24. D.Ramanujaneyulu |
| 9. D.Gurumurthy | 25. S.Nazeer Hussain |
| 10. V.Chakrapani | 26. M.Mohd.Hussain |
| 11. J.Raghavendra Rao | 27. S.Ravi |
| 12. A.Gopal | 28. S.V.S.Rama Krishna Kumar |
| 13. T.Shankaraiah | 29. K.Rajakumar |
| 14. S.Madan Mohan | 30. P.Sivaramaiah |
| 15. G.Venu Gopal | 31. B.Sudhakar Reddy |
| 16. D.Chandra Sekhar | 32. M.Ramesh |

....Applicants

And

1. The Telecom Commission, rep. by Chairman, Telecommunications, New Delhi.
2. The Director General, Telecommunications, New Delhi.
3. The Chief General Manager, Telecommunication, A.P.Circle, Abids, Hyderabad.
4. The Dy.General Manager (Admn), Office of the CGMT, Telecommunications, AP Circle, Abids, Hyd.
5. Sr.Superintendent (Telegraph Traffic), Telegraph Office, KURNOOL.

....Respondents

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Counsel for the Applicants : Shri V.Venkateswara Rao

Counsel for the Respondents : Shri N.R.Devaraj, Sr.CGSC

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CORAM:

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

THE HON'BLE SHRI H.RAJENDRA PRASAD : MEMBER (A)

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(Orders per Hon'ble Shri Justice M.G.Chaudhari,
Vice-Chairman).

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The applicants allege that they have been engaged as a casual labourers in the Department of Telecommunications from the dates respectively mentioned in Annexure-I and have been working at the places mentioned in that table. The dates of appointments range from 27-11-1986 to 7-1-1995. The applicants contend that by reason of their length of service without break as Casual Labourer from the respective dates of their engagement they have become entitled to be granted Temporary Status and regularisation under the "Casual Labourers (Grant of Temporary Status and Regularisation) Scheme. It is their grievance that the Respondents have however not granted them Temporary Status and regularisation. They therefore prayed that the respondents may be directed to give them the benefit of the scheme. The applicants also challenged the letter dt.31-7-95 issued by the Chief General Manager, Telecommunications, A.P., Hyderabad. They state that they apprehend that on the basis of that letter they may be dis-engaged at any time although no such step ^{has} so far been taken and they are continued to work.

2. 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 ~~at least one~~ ^{two days in one} ~~one~~ year, out of which they must have been engaged for ~~more than~~

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a period of 240 days. An enquiry into this factual data in respect of each employee can only be carried out by the Department, if it has not been correctly worked out by the employee.

3. The scheme thus was confined to that category of Casual Labourers who ^{fell under the above mentioned category.} ~~fall into clause (1)(v) mentioned above.~~

In that connection it may be mentioned that the Government had issued instructions to stop fresh recruitment and employment of Casual Labourers after 30-5-85. However, even so Casual Labourers continued to be engaged. Primarily to protect their interest ~~that~~ the scheme was brought into force in respect of them. The policy stopping fresh appointments has not been withdrawn. That is clear from impugned letter dt.31-5-1987 which notices that despite the instructions, the departments have been resorting to employing casual labourers and it would be an irregular employment and ^{states that} service of such persons should be dispensed with immediately. However earlier to that, it appears that on the basis of the decision of the C.A.T., Ernakulam Bench, the Government decided to extend the benefit under the scheme to full time Casual Labourers recruited after 29-11-89 and up to 10-9-93, (the eligibility criteria being same) ~~in Class IV of all the above schemes with variation in the material date.~~

4. ^{Most of} ~~Most of~~ the applicants who fall in the category of either those who were employed prior to 1-10-89 or those who were employed up to 10-9-93. The said category of employees do not seem to have approached the authorities seeking ~~extension~~

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tion of the benefit. Hence we do not know for what reason they have not been given the benefit. In order to determine that they or any of them have been wrongly denied the benefit of the service particulars relating to ^{each of them} him will have to be scrutinised for deciding whether he falls within the eligibility criteria prescribed under the referred scheme. Such a task in a large number of applicants who are working at different places cannot be easily undertaken by this Tribunal having regard to the scanty material produced and depending upon how the respondents respond in their reply. Each individual case has to be examined in the light of the relevant provisions and eligibility criteria has to be decided with reference to his service particulars. It is only thereafter the question of grant of temporary status/regularisation can become possible to consider. The third category of the applicants is of those who have been employed after 10-9-93. Although a vague question has been raised by the learned counsel for the applicant, that there is no justification for prescribing the cutoff date as 10-9-93 and the benefit of the scheme should be extended to those who were employed even after that date ~~and fulfill the eligibility criteria.~~ ^{it} is not possible to go into that question unless such applicants had approached the respondents seeking extention of the benefit of the scheme on that ground and that claim was rejected. Depending upon the view as the respondents are inclined to take on that aspect, details of each individual employee have to be worked out to determine the eligibility.

As said earlier, ^{that} ~~as~~ the task is not easy to be carried out

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in a single application by this Tribunal.

5. Under the circumstances, we are of the view that leaving open of the legality of the contentions raised in the O.A., it may be left open to the applicants to individually submit representations to the respondents for seeking the benefit of the scheme for grant of temporary status and regularisation and invite a decision from the Respondents in that behalf. We need not add that in the event of their claim being rejected, the concerned applicant will be at liberty to agitate his grievance by adopting appropriate legal remedies. If such eventuality occurs, it will be easy to determine the case of the applicants in reference to the replies given by the respondents.

6. Next, coming to the question of interim stay of dis-engagement, we think that since we are leaving it open to the applicants to file representations, it will be just and fair to direct the respondents not to dis-engage the applicants till the representations are disposed of and for a reasonable period thereafter. Hence the following order:

(i) It is left open to the applicants to file individual representations to the respondents for relief in the light of what is discussed herein above subject to following conditions viz., he shall have been factually working as on today and secondly the representation is filed within a period of 6 weeks from today;

(ii) Each applicant will be required to file individual representation and leave is granted only to that extant and not to file a joint representation

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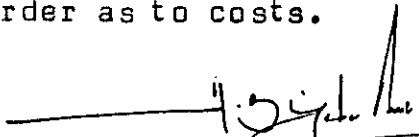
by more than one of the applicants.


7. On the representation being received from any of the applicant, or all of them by the Respondents in/^{the}respective places within the period stipulated herein above, the authority concerned ^{shall} to examine the matter and take a decision as to whether benefit of the scheme can be extended to the applicant and if not, ^{brief} record reasons in support of that decision. A copy of the decision shall be supplied to the applicant.

8. The representations to be decided as early as possible preferably within a period of two months from the date of filing of the representation.

9. 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~~ expired 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.

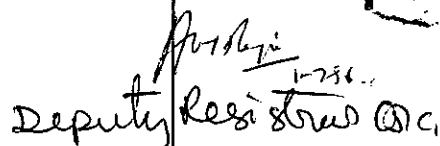
10. With the above observations, the O.A. is disposed of. No order as to costs.


(H. RAJENDRA PRASAD)
Member (A)


(M.G. CHAUDHARI)
Vice-Chairman

Dated: 18th June, 1996.
Dictated in Open Court.

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Deputy Registrar

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O.A. 777/96.

To

1. The Chairman,
2. The Telecom Commission,
Telecommunications, New Delhi.
2. The Director General, Telecommunications,
New Delhi.
3. The Chief General Manager, Telecommunication,
A.P.Circle, Abids, Hyderabad.
4. The Deputy General Manager(Admn.)
O/o the CGMT, Telecommunications, A.P.Circle,
Abids, Hyderabad.
5. The Sr.Superintendent(Telegraph Traffic)
Telegraph Office, Kurnool.
6. One copy to Mr.V.Venkateswar Rao, Advocate, CAT.Hyd.
7. One copy to Mr.N.R.Devraj, Sr.CGSC.CAT.Hyd.
8. One copy to Library. CAT.Hyd.
9. One spare copy.

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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: 18/6 -1996

ORDER/JUDGMENT

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

in

O.A.No. 777/96.

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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केन्द्रीय प्रशासनिक अपील बोर्ड
 Central Administrative Tribunal
 डेस्पच/DESPATCH
 10 JUL 1996
 हैदराबाद ब्याचपीठ
 HYDERABAD BENCH