

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.806/96.

Dt.of Decision: 22-10-98.

G.Balaswamy

..Applicant.

Vs

1. The Assistant Engineer,
Microwave (WB), Burhanpuram,
Near DRDA, Khammam-507 007.
2. The Divl.Engineer,Microwave,
Near KMC, Warangal-506 007.
3. The Telecom Distt.Manager,
Khammam-507 003.
4. The Chief General,
Telecommunications, AP,
Hyderabad-500 001.
5. The Director General, Telecom
(reptg. Union of India),
New Delhi-110 001.

..Respondents.

Counsel for the applicant : Mr.C.Suryanarayana

Counsel for the respondents : Mr.N.R.Devaraj, Sr.CGSC.

CORAM:-

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

ORDER

Heard Mr.C.Suryanarayana, learned counsel for the applicant and Mr.W.Satyanarayana for Mr.N.R.Devaraj, learned counsel for the respondents.

2. The applicant submits that on being sponsored his name by the employment exchange he was engaged as Casual Mazdoor in Microwave (WB) Station at Burhanpuram, Khammam w.e.f., 2-2-94. He submits that since then he has been continuously working in the

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department even without any break. His grievance is that even though he has been working since in the year 1994 his case has not been considered for grant of temporary status and also to include his name in the seniority list of casual/temporary status mazdoors of Khammam Telecom District.

3. He relies upon the decision of the Hon'ble Supreme Court in the case of Daily Rated Casual Labour Under P&T Department Vs. Union of India and Others reported in AIR 1987 SC 2342 and also in the case of Ram Gopal Vs. Union of India in WP(C) No.1280 of 1989 dated 17-04-90.

4. He also relies upon the Casual Labourers (Grant of Temporary Status and Regularisation) Scheme, 1989.

5. The applicant further submits that the department of posts has extended the cut-off date to the year 1993.

6. Hence, he has filed this OA for a direction to the respondent authorities to include his name in the seniority list of casual mazdoors of Khammam Telecom District and to confer on him the consequential temporary status besides considering his absorption in the regular establishment as per his turn with consequential ~~benefit~~ reliefs.

7. The respondents have filed their reply. In their reply they have disputed the engagement of the applicant in the department as casual mazdoor from 2-2-94. However, in Page-3 of the reply they ~~are~~ submit that the applicant was engaged on contract basis from May, 199⁴~~5~~. They further submitted that he was not engaged continuously and was engaged only whenever the work was available. They submit that the applicant was engaged only for 15 days in a month purely on contract basis and ^{was paid} paying the amount for performing work specified.

8. The applicant has filed his rejoinder disputing the contention raised by the respondents and ascertaining that he was engaged from 2-2-94. In para-5 he has specifically stated that he was engaged for more than 240 days in a particular year since 2-2-94 and that he was entitled to the temporary status pending regularisation and that the averments made in the reply are not correct.

9. During the course of argument, the learned counsel for the applicant further relied upon the Swamy's Compilation of P&T Financial Hand Book Vol.III (Part-I) and submits that he was engaged from 2-2-94 and that the department should have maintained and preserved the vouchers for the ^{amount,} ~~amount~~ paid to him towards his wages. As per the said manual the department was expected to preserve the vouchers atleast for a period of three years ~~and~~ or till the completion of the accounts of the work sanctioned for the purpose.

10. The respondents have to verify from the records and ascertain whether the applicant has continuously worked from 2-2-94.

11. It is submitted that the applicant has been working since 2-2-94 without any break. The respondents do not dispute this aspect of the matter.

12. During the course of hearing the learned counsel for the applicant relied upon the order dated 9-9-98 in OA.1258/97 and averments in para-5 of his rejoinder. He also relied upon the decision of the Hon'ble Supreme Court in the case of Mohan Lal Vs. The Management of M/s Bharat Electrical Ltd., reported in 1981 SCC (L&S) 478 = AIR 1981 SC 1253.

13. The learned counsel for the respondents has no objection to issue directions similar to those given in OA.1258/97 in this OA also.

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14. Hence, the following directions are given:-


1) The respondents may sympathetically consider the case of the applicant and provide him work to continue in service as per rules.

2) The respondents may consider the case of the applicant for grant of temporary status on the basis of the directions given in the above referred OAs;

3) Till such time the respondents shall not dis-engage the services of the applicant;

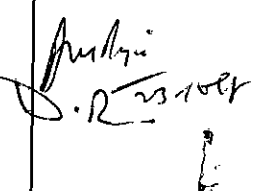
4) The respondents shall take decision as expeditiously as possible.

15. With the above directions, the OA is disposed of, leaving the parties to bear their own costs.


(BS. JAI PARAMESHWAR)
MEMBER (JUDGE)
22/10/98

Dated : The 22nd October, 1998.
(Dictated in the Open Court)

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D. R. 23/10/98

DA.806/96

Copy to:-

1. The Assistant Engineer, Microwave (WB), Bjrhanpuram, Near DRDA, Khammam.
2. The Divl. Engineer, Microwave, Near KMC, Warangal.
3. The Telecom Distt. Manager, Khammam.
4. The Chief General, Telecommunications, A.P., Hyderabad.
5. The Director General, Telecom, New Delhi.
6. One copy to Mr. C. Suryanarayana, Advocate, CAT., Hyd.
7. One copy to Mr. N.R. Devaraj, Sr. CGSC., CAT., Hyd.
8. One copy to HBSJP M(J), CAT., Hyd.
9. One copy to D.R.(A), CAT., Hyd.
10. One duplicate copy.

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22/10/98 (10)

II COURT

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

AND

THE HON'BLE SHRI D.S. JAI PARAMESHWAR :
M(J)

DATED: 22/10/98

ORDER/JUDGMENT

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

in

O.A.NO. 806/98

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLKR

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
वैद्य / DESPATCH
28 OCT 1998
हैदराबाद ब्याचकीट
HYDERABAD BENCH