

(24)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No. 886/96

Date of order : 15.7.1996.

Between

1. Smt. G.Laxmibai
2. P.S.Srinivasa Rao
3. K.Naveenkumar
4. Smt. Meenakumari
5. A.Kishanprasad
6. K.Jangaiah
7. M.Yadiah
8. K.Vijayakumari
9. N.R.Bhupender
10. Mohd. Habibuddin
11. Sk. Mohd. Hussain
12. M.Bhasker
13. K.Raju
14. S.Suriah
15. M.Sunder
16. Muppidi Yadagiri
17. K.Venkateswar
18. Smt. M.Mani
19. B.Nandakumar
20. P.Narasimha
21. K.Yadagiri
22. Smt. C.S.Kamleshkumari
23. P.Krishna
24. R.Sunilkumar
25. M.Yadagiri
26. M.Subash
27. M.Surendranath
28. K.Sreenivas
29. K.Rajareddy
30. P.Sampathraj
31. S.Satyanarayana
32. L.A.Sharief Jani
33. Syed Osman Ali
34. K.Samson

.. Applicants

And

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. Genl. Manager (Admn),
O/o the CGMT,
A.P.Circle, Abids,
Hyderabad.

Respondents

.....2

Handwritten signature

Counsel for the Applicants .. Shri V.Venkateswara Rao

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

CORAM

Hon'ble Shri Justice M.G.Chaudhari : Vice-Chairman

Hon'ble Shri H.Rajendra Prasad : Member (A) *[Signature]*

Order

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

The 34 applicants who are working as casual labourers seek benefit of the Casual Labourers (Grant of Temporary Status and Regularisation) Scheme, 1989. They appear to have been engaged on different dates ranging between 1988 and 1994. Their apprehension of disengagement is based on the letter dated 31.7.95 of the Chief General Manager, Telecommunications, A.P.Circle, Hyderabad. The position of the applicants in this case is similar to the applicants in O.A.No.777/96 decided on 18.6.96. *[Handwritten signature]*

[Large handwritten signature]

2. The applicants fall in the category of either those who were employed prior to 1.10.89 or those who were employed thereafter upto 10.9.93 and those engaged after 10.9.93. They do not seem to have approached the authorities seeking extension 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 will have to be scrutinised for deciding whether he falls within the eligibility criteria prescribed under the 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.

3. Hence we are inclined to grant leave 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.

4. 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

hsl

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 concerned officer of 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 extent and not to file a joint representation by more than one of the applicants.
- (iii) On the representation being received from any of the applicants or all of them 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.
- (iv) The representations to be decided as early as possible preferably within a period of two months from the date of filing of the representation.

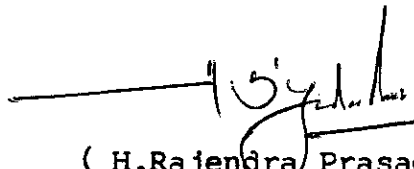
.....5


Heck

- 5 -

(v) 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 its rejection, is communicated to the said applicant. The direction to stand automatically vacated after that period.

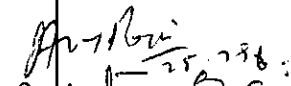
5. With the above observations, the O.A. is disposed of.
No order as to costs.


(H. Rajendra Prasad)
Member (A) .


(M.G. Chaudhari)
Vice-Chairman.

Dated: .7.1996.
Dictated in Open Court.

br.


Deputy Registrar C.C.

O.A. 886/96.

To

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

pvm.

9/5
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: 15-7-1996

~~ORDER~~ JUDGMENT

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

in

O.A.No. ~~595/96~~ 886/96.

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

