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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA.956/96

decided on : 14-8-96

Between

Ch. Lakshmi

: Applicant

and

1. Telecom District Engineer
Srikakulam 532001

2. General Manager
Telecommunications
Visakhapatnam Area
Visakhapatnam 530003

3. Director General Telecom
(rep. Union of India)
O/o Telecom Commission
Sanchar Bhawan
New Delhi 1

: Respondents

Counsel for the applicant

: C. Suryanarayana
Advocate

Counsel for the respondents

: K. Ramulu
SC for Central Govt.

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

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

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Judgement

Oral order (per Hon. Mr. Justice M.G. Chaudhari, V.C.)

MR. C. Suryanarayana for the applicant. Mr. K. Ramulu for the respondents.

2. The applicant is the widow of deceased Papa Rao, who had been engaged as Casual Mazdoor till his death on 17-9-1991. The applicant submitted an application to the Telecom District Engineer, Srikakulam, on 10-8-1995 praying for job. The contents of the application, Annexure A-6 can mean that the engagement was sought on compassionate grounds. It is stated in the application that she has no source of living and the family is suffering from starvation because of non-availability of labour work and her position was pathetic. The request was coupled with the ground that her late husband who had worked at various places since 1-1-1981 had become eligible for getting temporary status prior to his death but he was not granted the same because of non availability of work immediately after the scheme for grant of temporary status was brought into force i.e. from 1-10-89. She, therefore, submitted that on the hypothesis that her husband had acquired a right to be conferred temporary status, her request for providing an appointment in a job should be sympathetically considered.

3. It appears that earlier also she had filed an application with same request and also had requested for supplying the particulars of the days for which her late husband had worked as casual mazdoor. In that connection, she was informed by letter dated 21-4-1996 by the Telecom District Engineer, Srikakulam, that on a review of the case of her late husband, it was observed that temporary status could not be granted to him for the

following reasons :

- i. He was not currently employed.
- ii. He had uncondoned breaks in service for more than six months which could not be condoned.
- iii. The deceased had not worked for 240 days during the preceding 12 calender months i.e. from 1-10-1989 and was not eligible for temporary status.
- iv. He was not in service continuously since 6-12-1992.

4. In so far as the ground that he had not continuously worked from 6-12-1992, that cannot even be considered as a ground because her husband had died earlier in 1991. So far as two main objections are concerned viz. i) He was not currently employed; which would mean as on 1-10-1989; and ii) had not worked for 240 days during the preceding year, it appears that the said authority had not taken into account the service rendered by the deceased in Srikakulam Division of the Telecom Department of AP, which is reflected in Annexure-A.1 which shows that the applicant was engaged from 10-9-1989 to 30-9-1989 and from 1-10-1989 to 31-10-1989. Therefore, when it is stated that he was not currently employed that ~~does not~~ appear to be correct ^{as} for this period does not seem to have been taken into account. Likewise, for the purpose of determining the days on which he worked during the preceding years that has to be calculated in terms of the ~~regularisation Scheme~~ ^{there} schemes and after taking into account the particulars stated in Annexure A.1. After these facts are verified and if it is found that the deceased ^{was} eligible to be conferred with temporary status, then ~~there~~ ^{for} would be no difficulty in consideration of application of the applicant for compassionate appointment in accordance with prevailing guidelines. We are, therefore, of the opinion that the respondents should be asked to reexamine the case in the light of what is stated above and

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then dispose of the application of the applicant for a job dated 10-8-95. We do not think that any fruitful purpose would be achieved by merely admitting the OA and postponement of above direction. The learned counsel for the respondents desired that a notice to be issued but we do not feel it necessary for ^{the reasons} there is already indicated above. Hence, the following order :

The Telecom District Engineer, Srikakulam, Respondent-1 is directed to dispose of the application of the applicant dated 10-8-1995 in the light of observations made herein above after verifying the records and adopting a sympathetic approach within a period of one month from the date of receipt of copy of this order. The decision shall be communicated to the applicant.

5. The OA is disposed of in terms of the afore stated.

No orders as to costs.

15/8/96
(H. Rajendra Prasad)
Member (Admn.)

M.G. Chaudhari
(M.G. Chaudhari)
Vice Chairman

Dated : August 14, 96
Dictated in Open Court

*Mr. M. Chaudhari
Deputy Registrar (CC)*

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To

1. The Telecom District Engineer,
Srikakulam-1
2. The General Manager,
Telecommunications,
Visakhapatnam Area,
Visakhapatnam-3.
3. The Director General,
Telecom Union of India,
O/o Telecom Commission
Sanchar Bhavan, New Delhi-1.
4. One copy to Mr.C.Suryanarayana, Advocate, CAT.Hyd.
5. One copy to Mr.K.Ramulu, ~~88x88xxRkY~~ Addl.CGSC. CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

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19/9/96

Records

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: 14-8-1996

ORDER / JUDGMENT

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

in

O.A.No. 956/96,

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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Central Administrative Tribunal
प्रेषण/DESPATCH

12 SEP 1996

Hyderabad - 500001
HYDERABAD BENCH