

(16)

CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

O.A.No.1758/97.

Date of decision: 31st March, 1998.

Between:

R. Sudheer Babu. Applicant.

and

1. The Chief Superintendent,
Central Telegraph Office,
Secunderabad.
2. The Telegraph Master,
D.T.O. Lunger House,
Hyderabad - 500 008. Respondents.

Counsel for the applicant: Sri V. Venkateswara Rao.

Counsel for the respondents: Sri K. Ramulu.

JUDGMENT.

(by Hon'ble Sri R. Rangarajan, Member (A))

Heard Sri V. Venkateswara Rao for the applicant
and Sri Srinivas Rao for Sri Ramulu for the respondents.

The applicant in this O.A., was engaged as a
casual labourer in the Central Telegraph Office,
Hyderabad with effect from 6-5-1989. He was paid
at the daily wages in the pay scale of Rs.750--950. He
worked in the Central Telegraph Office from 6-5-1989
to 14.8.1995. Thereafter he was transferred to
D.T.O., Lunger House and he worked there as casual
labourer from 15.8.1995 to 10-3-1997. It is stated that

he used to sign in the Staff register maintained in the District Telegraph Office. Thus the applicant submits that he rendered service for about 7 years ten months in the Department of Telecommunications without any break.

The applicant submits that on 10-3-1997 he fell ill due to severe jaundice and he informed the same to the Respondent No.2 on 10-3-1997 and on 11.3.1997 to the 1st respondent over Telephone. He recovered from illness on 11.9.1997 and he was declared to be fit to resume duty on 12.9.1997 by the Doctor who treated him in the Osmania Hospital. The applicant went to the office of the 2nd respondent to resume duty on 12-9-1997. But it is stated that he was not taken back on duty. The applicant submitted a representation dated 15-9-1997 (Annexure A-II Page 7 to the O.A.). The learned counsel for the applicant submits that instead of disposing of that representation, it was returned back without assigning any reasons putting the same in some other cover.

This O.A., is filed praying for a direction to the respondents to reinstate him in service as casual labourer with effect from 15.9.1997 by holding the rejection of his representation dated 15.9.1997 is illegal, arbitrary and unconstitutional with all consequential benefits such as arrears of wages, seniority etc.

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The learned counsel for the respondents submits that the applicant has not given his willingness back to to join duty and hence he was not taken/~~on~~ duty.

But there is no record available to prove that fact.

On the other hand the learned counsel for the applicant submits that the applicant was not taken back to duty and hence he prays for a direction from this Tribunal to the Respondents to take him back to duty.

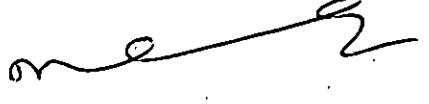
Under the above circumstances, the following directions are given:

- i) The applicant shall be considered for engagement as a casual labourer if there is need for casual ^{in future} labourers in preference to freshers from open market
- ii) While issuing the orders/for re-engagement in pursuance of the above direction, the order should contain the date and the officer to whom ^{the official} he/should report for re-engagement
- iii) If the applicant does not turn up on that date before that official then the applicant may not be taken back to duty even if necessity arises in future for engagement for casual labourers from the open market
- iv) This stipulation should be incorporated in the Order, if issued, in pursuance of the above direction.

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


R. RANGARAJAN,
Member (A)

Date: 31-3-1998.


Dictated in open Court.


sss.

OA.1758/97

Copy to:-

1. The Chief Superintendent, Central Telegraph Office, Secunderabad.
2. The Telegraph Master, D.T.O. Lunger House, Hyderabad.
3. One copy to Mr. V. Venkateswara Rao, Advocate, CAT., Hyd.
4. One copy to Mr. K. Ramulu, Addl. CGSC., CAT., Hyd.
5. One copy to D.R.(A), CAT., Hyd.
6. One duplicate copy.

SRR

17/4/98
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TYPED BY
COMPARED BY

II COURT
CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

AND

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

DATED: 31/3/98

ORDER/JUDGMENT

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

in

D.A.NO. 1758/97

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLKR

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
प्रेषण/DESPATCH

37 APR 1998

हैदराबाद व्यायापीठ
HYDERABAD BENCH