

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No. 216/97

Date of Order: 15.10.97

BETWEEN:

S.Lakshman

.. Applicant.

AND

1. The Area Manager (Central),
Dept. of Telecom, Suryalok
Complex, Hyderabad.

2. The General Manager, Hyderabad
Telecom District, Hyderabad.

3. The Director General (Telecom),
Sanchar Bhavan, New Delhi.

.. Respondents.

Counsel for the Applicant

.. Mr.S.Ramakrishna Rao

Counsel for the Respondents

.. Mr.V.Rajeswara Rao

CORAM:

HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

O R D E R

X As per Hon'ble Shri R.Rangarajan, Member (Admn.) X

None for the applicant. Mr.V.Rajeswara Rao, learned
standing counsel for the respondents.

2. The OA is disposed of under Rule 15(1) of C.A.T.
(Procedure) Rules, 1987.

3. The applicant in this OA submits that he was appointed
as casual mazdoor under AE (Phones) Gowliguda, Hyderabad w.e.f.
1.3.87 and was retrenched illegally w.e.f. 1.3.88 on the ground
"for want of labour". The applicant submits that termination was
effected without ^{adhering to} ~~complying with~~ the condition precedent to the



.. 2 ..

retrenchment and consequently he filed OA.1177/96 on the file of this Tribunal. That OA was disposed of on 8.10.96. Earlier he was reinstated w.e.f. 1.12.92 in view of the direction given in OA.361/88. In OA.1177/96 he prayed for granting him temporary status casual labour taking his earlier service from 1987 to 1988. That OA was disposed of with the following order :-

"The applicant if so advised, may submit a representation for granting him temporary status taking his service from 30.11.92. If such a representation is received the same should be disposed of in accordance with the rule by R-1 expeditiously preferably within 3 months from the date of receipt of such a representation".

4. The applicant submitted his representation dated 1.11.96 (A-2) for grant of temporary status considering his reinstated date 30.11.92 as the date of entry for purpose of grant of temporary status. That representation was disposed of by the impugned letter No.C/HTD/Rs-203/96-97/26, dated 29.1.97 (A-1). As per that letter the applicant's claim for temporary status mazdoor was rejected as he was reinstated as a fresh entrant only from 30.11.92 and the break in service from 1.3.88 to 30.11.92 cannot be condoned as it is more than one year.

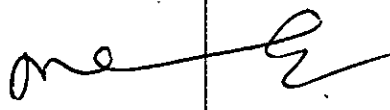
5. This OA is filed to set aside the impugned order dated 29.1.97 issued by R-1 by declaring it as arbitrary, illegal and for a direction to the respondents to condone the break in service from 1.2.87 to 22.11.92 which was due to pendency of OA.361/88 and for a further direction to the respondents to grant temporary status and regularisation of the services of the applicant treating him as temporary status mazdoor as per the scheme of casual labour (grant of temporary status and regularisation) scheme 1989 taking the entire period of service rendered by the applicant for grant

temporary status with all consequential benefits.

6. The prayer made in this OA is more or less similar to OA.1177/96 which was disposed of on 8.10.96. In that judgement the direction given in OA.361/91 ^{was} is also kept in view. It was directed in judgement in OA.1177/96 to grant the applicant the temporary status taking his service from 30.11.92. In his representation dated 1.11.96 the applicant himself has stated that the date 30.11.92 when he was reinstated may be taken for the purpose of grant of temporary status. As he is not coming within the purview of the scheme promulgated in 1989 the respondents had correctly rejected his representation with the detailed order dated 29.1.97.

7. Hence I do not see any reason to give any further direction to the respondents in this connection. The case of the applicant has been dealt with in accordance with the direction given by this Tribunal in OA.1177/96 and also in accordance with his statement in his representation dated 1.11.96. In that view the OA is liable only to be dismissed, ^{it is} Accordingly dismissed. However the respondents will consider his case for bringing him on temporary status and consider his case further for regularisation in accordance with the law taking his date of entry in service as 30.11.92.

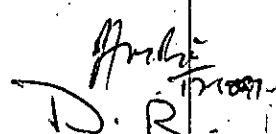
8. NO costs.


(R. RANGARAJAN)
Member (Adm.)

Dated: 15th October, 1997

(Dictated in OpenCourt)

sd


D. R.

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DA.216/97

1. The Area Manager (Central), Dept. of Telecom,
Suryalok Complex, Hyderabad.
2. The General Manager, Hyderabad Telecom, District, Hyderabad.
3. The Director General (Telecom), Sanchar Bhavan,
New Delhi.
4. One copy to Mr. S. Ramakrishna Rao, Advocate, CAT., Hyd.
5. One copy to Mr. V. Rajeswara Rao, Addl. CGSC., CAT., Hyd.
6. One copy to D.R.(A), CAT., Hyd.
7. One duplicate copy.

SRR

23/10/97
TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

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

AND

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

Dated: 15-10-97

ORDER/JUDGMENT

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

in

D.A. NO. 216 / 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

II Court

