

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD.

O.A.No.253/97.

Date of order : 5.3.1997.

Between

Pallikanti Venkataiah .. Applicant

And

1. The Chief General Manager,  
Telecommunications,  
A.P.Circle,  
Hyderabad.
2. The Director-General,  
Telecommunications,  
New Delhi.
3. The Telecom. Dist. Engineer,  
Adilabad, Adilabad Dist.
4. The Sub-Divl. Officer,  
Telecommunications,  
Manchiryal,  
Adilabad, Adilabad Dist. .. Respondents

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Counsel for the Applicant .. Shri K.Venkateswara Rao for  
Shri Ch.Jagannatha Rao

Counsel for the Respondents ..

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C O R A M

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

Hon'ble Shri H.Rajendra Prasad : Member(A)

Order

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

The applicant was engaged as casual mazdoor on 10.2.85 but was disengaged on 23.11.89. However, after the judgement in O.A.No.709/90 he was re-engaged w.e.f. 1.8.91. There was a break in service between 23.11.89 and 31.7.91 which was exceeding a period of one year. The applicant contends that the break may be condoned and he may be deemed to have <sup>been</sup> have in continuous service and on that basis he is entitled to be regularised. He submitted a representation to the respondents which was considered by the Chief General Manager, Telecommunications and it has been rejected on the ground that the request for condonation of the break in service could not be acceded to as per the existing guidelines on the subject.

2. The learned counsel for the applicant places strong on the order of this Tribunal in O.A.No.307/96 decided on 24.4.96. Relying upon the ratio of the decision of the Ernakulam Bench the respondents were directed to consider and decide the representation of the applicant which eventually was decided on 23.9.96 and rejected. The ratio of the decision of the Ernakulam Bench as seen from the extract quoted in the aforesaid order of this Bench makes it abundantly clear that broken periods of casual service should be taken into account so long as the break in casual service does not exceed one year provided he was subsequently re-engaged and that break in casual service exceeding one year can be condoned by the competent authority only on medical grounds or non-availability of work. That has also been noted by the learned Member who decided the O.A.No.307/96. The very fact that the applicant was disengaged is sufficient to draw the inference that there was non-availability of work. The learned counsel submits that since he was re-engaged it shows that there was <sup>clearly</sup> work available. We do not agree, <sup>1</sup> that his re-engagement was in deference to the order of the Tribunal in earlier O.A. No question of medical grounds has been raised. Since the break in service was for more than one year we cannot hold that the respondents have committed any irregularity in refusing to condone that period. We, therefore, find no merit in this application. It may be mentioned that the learned counsel for the applicant stated that the applicant continues to be engaged till today. Whatever rights he may have acquired on the basis of his continued re-engagement from 1991 will not be affected in any manner by the rejection of this O.A.

The O.A. is accordingly summarily rejected.

H. Rajendra Prasad  
( H. Rajendra Prasad )  
Member(A).

M.G. Chaudhary  
( M.G. Chaudhary )  
Vice-Chairman.

Dated: 5.3.1997.  
Dictated in Open Court.

br.

16387  
Deputy Registrar (D) CC

O.A.253/97.

To

1. The Chief General Manager,  
Telecommunications, A.P.Circle,  
Hyderabad.
2. The Director General, Telecommunications,  
New Delhi.
3. The Telecom.Dist.Engineer,  
Adilabad, Adilabad Dist.
4. The Sub Divisional Officer,  
Telecommunications, Manchiryal,  
Adilabad, Adilabad Dist.
5. One copy to Mr. Ch.Jagannadha Rao, Advocate, CAT.Hyd.
6. One copy to Mr. .. Addl.CGSC.CAT.Hyd.
7. One copy to ~~xxxxxx~~, D.R.(A) CAT.Hyd.
8. One spare copy.

pvm.

26/3/97

I COURT

TYED BY

CHECHED 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  
MEMBER(ADMN)

Dated: 5 - 3 - 1997

ORDER / JUDGMENT

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

O.A.No: 253/97. in

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.

