

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

22

ORIGINAL APPLICATION NO.545/97

DATE OF ORDER : 02-06-1997.

Between :-

M.A.Gadeer

.. Applicant

And

1. Assistant Engineer, Cable Construction IV, H.No.6-3-349/9, Dwarakapuri Colony, Hyd-482.
2. The General Manager, Telecom Uistrict, Hyderabad, At Suryalok Complex, Abids, Hyd-1.
3. The Chief General Manager, Telecom., A.P., Abids, Hyd-1.
4. Union of India, Rep. by its Secretary, Dept. of Telecommunications, New Delhi-110001.

.. Respondents

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Counsel for the Applicant : Shri K.K.Chakravorthy

Counsel for the Respondents: Shri K.Bhaskar Rao, Addl.CGSC

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CORAM:

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

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

(Order per Hon'ble Shri R.Rangarajan, Member (A)).

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(Order per Hon'ble Shri R.Rangarajan, Member (A)).

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Heard Shri T.V.V.S.Murthy for Shri K.K.Chakravorthy for the applicant and Shri V.Rajeshwar Rao for Shri Kota Bhaskar Rao, learned standing counsel for the respondents.

2. The applicant in this O.A. was engaged as a Casual Labourer way back on 1-3-85. He served in that capacity from 1-3-85 to 31-3-93. It is stated that he was given temporary status during the year 1989 and he states that a Mazdoor ^{Card} ~~Greca~~ No.4862 was also issued to him. The applicant however submits that he was bedridden from 1-2-93 and submitted a medical certificate on 27-5-95 to the Respondent No.1. It is stated that he approached Respondent No.1 for taking him back to duty on 28-5-95 but that request was turned down. He approached Respondent No.2 for the same relief which was also turned down by letter dt.10-1-96. The applicant submits that he was not given notice before discharge.

3. The applicant thereafter filed OA 163/96 praying for a direction to the respondents to re-engage him as temporary status mazdoor with back wages and with all consequential service and monetary benefits by granting him leave admissible with and without pay and allowances for the period of absence.. That O.A. was disposed of with a direction to the respondents that the applicant should be re-engaged as Casual Mazdoor in future if there is work in preference to freshers from the open market in the Unit ^{in which} he has last worked. His re-engagement should

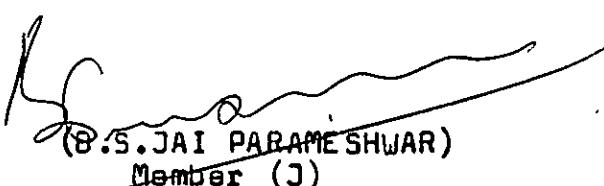
not cause any retrenchment to the casual labourer who are already in the service".

4. It is now stated by the learned counsel for the applicant that the applicant was re-engaged but he was not given the temporary status counting his earlier service. Hence he filed this O.A. praying for a direction to the respondents to grant him temporary status with effect from 24-9-96 with all monitory benefits from that date.

5. It is an admitted fact that the applicant did not report to the duty from 31-3-93. The applicant submits that he was sick and he has submitted a medical certificate on 27-5-95 that is about 2 years after he was put on sick list. The applicant can hope to regain his earlier service only if the break in service from 31-3-93 till he was re-engaged is condoned by the competent authority. The applicant submits that he has submitted a representation in this connection to respondent No.2 for condoning the break in service, but he himself admits that respondent No.2 is not the competent authority to condone the delay. If that be the case, there is no reason that he should submit the representation to the incompetent authority. As the applicant has not represented to the competent authority for the condonation of break in service, he may do so now. If such a representation is submitted to the competent authority, that authority will consider his case in-accordance with law and dispose it of in due course following the extant rules.

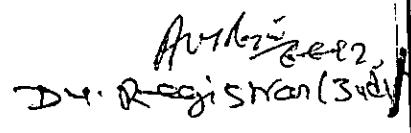
(25)

5. With the above observations, the Original Application is disposed of at the admission stage itself. No order as to costs.


(B.S.JAI PARAMESHWAR)
Member (J)


(R.RANGARAJAN)
Member (A)

Dated: 2nd June, 1997.
Dictated in Open Court.


Auth/eez
Dr. R. Rangarajan (34)

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Copy to:-

1. Asst. Engineer, Cable Construction IV, H.No.6-3-349/9,
Dwarakapuri Colony, Hyd.
2. The General Manager, Telecom Dist, Hyderabad at
Suryalok complex, Abids, Hyd.
3. The Chief General Manager, Telecom, A.P. & Abids, Hyd.
4. The Secretary, Dept of Telecommunications, Union of India,
New Delhi.
5. One copy to Sri. K K.Chakravarthy, advocate, CAT, Hyd.
6. One copy to Sri K.Bhasker Rao, Addl. CGSC, CAT, Hyd.
7. One copy to Deputy Registrar(A), CAT, Hyd.
8. One spare copy.

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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

21/6/97

ORDER/JUDGEMENT

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

O.A. NO.

545/97

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.

केन्द्रीय व्यापारिक विविध विधान
Central Administrative Tribunal
प्रेस/DESPATCH

23 JUN 1997

HYDERABAD BENCH