

20

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO. 590/97

DATED : 13-4-1998

BETWEEN :

P. Thirupalhaiah ... Applicant

AND

1. The Union of India represented by the Director General, Telecommunications, New Delhi 110001.
2. The Telecom. District Engineer, Cuddapah.
3. The Sub-Divisional Engineer, Telecom., Rajampet 516 115 ... Respondents

— — —

Counsel for the Applicant : Shri J.V. Lakshmana Rao

Counsel for the Respondents : Shri K. Ramulu

CORAM :

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

(Order per Hon'ble Shri H. Rajendra Prasad, Member (A))

Heard Mr Yogendra Singh for Mr J.V. Lakshmana Rao on behalf of the Applicant and Ms Shyama Sundari for Mr Ramulu on behalf of the Respondents.

The OA was filed on 2nd May, 1997, and was admitted on 9th May, 1997. A notice was duly served on the Respondents and opportunities were later given to them to file their reply. In fact, the case was adjourned more than once on the request made on behalf of the Respondents just to facilitate the filing of a counter. This has not, however, been done so far. It is not known as to what the stand of the Department is in respect of various contentions raised in this OA. It has become necessary, therefore, to dispose

Q
6/34

20

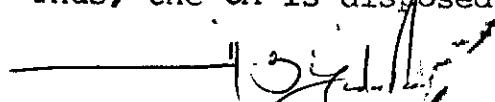
in the O.A.
of the case on the basis of the averments and papers filed by the Applicant. The facts, as contained in the OA, are as under :-

The Applicant was engaged as casual mazdoor in 1980. Between that year and the year 1990, he was engaged for 277 days in 1981 and for 334 days in 1989. At other times during the said period he was engaged for less than 240 days in a year. According to the Applicant he was reengaged in September, 1991, and worked upto 31st August, 1993, on muster roll. From 1st September, 1995 to 31st March, 1995, he appears to have been engaged through a Contractor.

While such are the claims of the Applicant, the actual facts can only be known by the Respondents who have, however, chosen not to file any reply.

The OA is, therefore, disposed of with a direction to the Respondents to examine the claim of the Applicant on facts and in terms of the provisions of the scheme relating to grant of temporary status to casual mazdoors. The Respondents should scrutinise the entitlements of the Applicant with ~~such record is not~~ available, then the facts and averments contained in the OA, as reproduced above, shall have to be taken as correct. Further action will be initiated for granting the Applicant his service ^{grant of} benefits, such as, ^{Temporary Status and Regulatisation of} Service, in terms of the relevant scheme and rules. The ~~question of re-inclusion of his name in the muster roll may also be examined as per rules in force, if he is otherwise~~ eligible and entitled for the same.

This shall be done within 90 days from the date of receipt of a copy of this order. Thus, the OA is disposed of. No orders as to costs.


(H. RAJENDRA PRASAD)
MEMBER (ADMN.)

...js

(DICTATED IN OPEN COURT)

DATED : 13-4-1998


D. P. CHAITANYA

O.A. 590/97.

To

1. The Director General, Union of India, Telecommunications, New Delhi-1.
2. The Telecom Dist.Engineer, Cuddapah.
3. The Sub Divisional Engineer, Telecom, Rajampet-115.
4. One copy to Mr.J.V.Lakshmana Rao, Advocate, CAT.Hyd.
5. One copy to Mr.K.Ramulu, Addl.CGSC, CAT.Hyd.
6. One copy to HHRP.M.(A) CAT.Hyd.
7. One copy to DR(A) CAT.Hyd.
8. One spare copy.

pvm

I COURT

TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

~~THE HON'BLE MR. JUSTICE~~

VICE-CHAIRMAN

CAND.

THE HON'BLE MR. H. RAJENDRA PRASAD: M(A)

DATED: 13-4-1998.

ORDER/JUDGMENT

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

in

T.A.No. 625 (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.

