

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

57

ORIGINAL APPLICATION NO.651/97

DATE OF ORDER : 23-07-1997.

Between :-

1. Ch.Lingachary	7.V.Sathyanarayan Reddy
2. K.Sampath Kumar	8.G.Ratnakar
3. T.Nagabhushanachary	9.Bhimsingh
4. B.Sailu	10.P.Dasarath
5. C.Venkatesh	11.R.Sunil Babu
6. G.Mallikarjuna Rao	

... Applicants

And

1. The Telecom Commission,
rep. by Chairman,
Telecommunications, New Delhi.
2. The Director General,
Telecommunications, New Delhi.
3. The Chief General Manager,
Telecommunications, AP Circle,
Abids, Hyderabad.
4. The Telecom District Manager,
Telecom, Sangareddy.
5. The Sub-Divisional Officer,
Telecom, Sangareddy.
6. The Sub-Divisional Officer,
Telecom, Patancheru.

... Respondents

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Counsel for the Applicants : Shri V.Venkateshwar Rao

Counsel for the Respondents : Shri V.Bhimanna, CGSC

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CORAM:

THE HON'BLE SHRI H.RAJENDRA PRASAD : MEMBER (A)

(Order per Hon'ble Shri H.Rajendra Prasad, Member (A)) .
23/7

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

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Heard Shri Phani Raj for Shri V.Venkateshwar Rao, counsel for the applicants. None for the Respondents, who have not chosen to file any counter affidavit in this case despite adequate opportunities having been provided to them. Since the respondents have not filed any reply, this Tribunal has no choice except to proceed on the basis of the averments contained in the O.A. accepting the same as true and factual.

2. The applicants contend that they have been working against clear vacancies of regular Group-D employees in terms of engagement ~~on~~ strictly casual basis. They claim that they have rendered more than 240 days of service during each year after their initial engagement. They also contend that the grant of temporary status and regularisation of services should be considered notwithstanding the fact that they were initially engaged after 22.6.88 which was the cut-off date fixed by the Department without any particular justification. It is contended that the works in the Telecom Wing to be performed by the Casual Labour are of continuous nature and there cannot be situations where no work is available. It is further alleged by them that the impugned retrenchment has been necessitated owing to ^{the recent} merger of Engineering Wing and the Telegraph Traffic Wing. The applicants, who are working on Telegraph Traffic Wing, according to them, ~~have~~ been retrenched only to accommodate certain retrenched workers in Engineering Wing.

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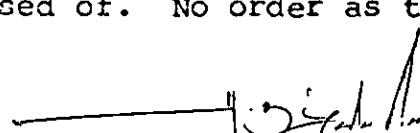
initially from
Finally, it is contended that several juniors who were engaged ~~on~~ a
later date have been retained with a view to confer temporary
status etc., whereas the applicants have been served with retrench-
ment notice. This, according to the applicants is arbitrary
and illegal.

3. The stand of the Department is not known.

4. Under the circumstances the impugned retrenchment
orders are hereby set aside. ~~on the other hand~~

The Respondents may examine the case of the applicants
and with reference to ~~the~~ extant rules, provisions of the scheme and
take further action to grant temporary status and subsequent re-
regularisation, in their turn as per the seniority list, based on the
actual date of their engagement and length of service. It should
be specially ensured that no one who ~~is~~ junior to the applicants
should be given such benefit before extending the same to the
applicants.

5. Thus the O.A. is disposed of. No order as to costs.


(H. RAJENDRA PRASAD)
Member (A)

Dated: 23rd July, 1997.

Dictated in Open Court.

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*Amrit
24.7.97*
Deputy Registrar Office

O.A.651/97.

To

1. The Chairman, Telecom Commission, Telecommunications, New Delhi.
2. The Director General, Telecommunications, New Delhi.
3. The Chief General Manager, Telecommunications, A.P.Circle, Abids, Hyderabad.
4. The Telecom District Manager, Telecom, Sangareddy.
5. The Sub Divisional Officer, Telecom, Sangareddy.
6. The Sub Divisional Officer, Telecom, Patancheru.
7. One copy to Mr.V.Venkateshwar Rao, Advocate, CAT.Hyd.
8. One copy to Mr.V.Bhimanna, Addl.CGSC CAT.Hyd.
9. One copy to HHRP.(A)Member. CAT.Hyd.
10. One copy to D.R.(A) CAT.Hyd.
11. One spare copy.

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~~16/97~~
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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE
VICE-CHAIRMAN

and

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

Dated: 23-7-1997

ORDER/JUDGMENT

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

in

C.A.No.

651/97

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 केस्ट वा प्रशासनिक अदिकरण
Central Administrative Tribunal

DISPATCH

31 JUL 1997

हैदराबाद न्यायपीठ
HYDERABAD BENCH

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