

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. NO. 662 OF 1997

DATE OF ORDER : 5-8-1998

BETWEEN :

G. Balchander

... Applicant

AND

1. The Director General Telecom.
(representing Union of India),
New Delhi 110001.
2. The Chief General Manager
Telecommunications, A.P.,
Hyderabad 500 001.
3. The Telecom. District Manager,
Mahabubnagar - 509 050.
4. The Sub-Divisional Officer,
Phones, Mahabubnagar 509 001.

... Respondents

Counsel for the Applicant - Shri C. Suryanarayana

Counsel for the Respondents - Shri V. Bhimanna

Coram :

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

The Hon'ble Shri B.S. Jai Parameshwar - Member (J)

(Order per Hon'ble Shri B.S. Jai Parameshwar, Member (J))

Heard Shri C. Suryanarayana, Learned Counsel for the
Applicant and Shri V. Bhimanna Learned Standing Counsel
for the Respondents.

The Applicant was initially engaged as Casual Mazdoor
on 1.7.1988 . He was continued in service upto 30.9.1989
He was retrenched from service w.e.f., 1.10.1989 . The
Applicant submits that his termination was against the
decision of the Principal Bench of this Tribunal in O.A. No.
529 of 1988 decided on 4-5-1988 and that the same was also
against the principles enunciated by the Hon'ble Supreme

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Court in Daily Rated Casual Labour in P & T^A Vs Union of India and Others reported in AIR 1987 SC 2342. Subsequently, R-2 gave instructions in his letter No. TA/LC/5-190/95 dated 1.4.1997 imposing a ban on engagement of casual labourers ~~and~~ and consequentially retrenchment notice Notice No. E.41/CM/94-97/84 dated 15-04-97 was issued to the Applicant.

The Applicant has filed this O.A. challenging the order No. TA/LC/5-190/95 dated 1.4.1997 passed by R-2, order No. E.1-60/III/96-97/19 dated 11.4.1997 passed by R-3 and the consequential retrenchment Notice No. E.41/CM/94-97/84 dated 15.4.1997 issued by the 4th Respondent, to quash the same and consequently direct the Respondents to continue him in service and grant him all benefits ^{which are} ~~with all~~ consequential and incidental to the same.

By order dated 23.5.1997, this Tribunal passed an Interim Order directing the Respondents to consider re-engaging the Applicant, if any work was available. It was further observed that any such re-engagement should not, however, confer any right on the Applicant to claim continuity of service and his rights claims and future service - benefits - if any, should be subject to the outcome of this O.A.

While the O.A. was pending the Applicant filed M.A. No. 658/97 on 15-7-1997. At the time of disposal of the M.A., the Learned Standing Counsel for the Respondents submitted that the T.D.M. has been advised to re-engage the Applicant and efforts are being made to re-engage him as soon as possible, at any rate within about 7 days.

It is now submitted by the Learned Counsel for the Applicant that the Applicant has been re-engaged by the

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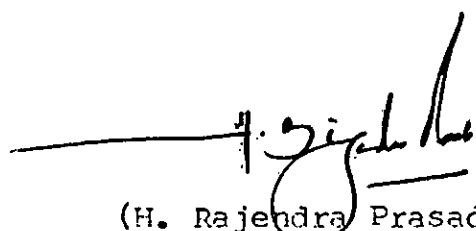
by the Respondents. He has been continuing as a Casual Mazdoor under the Respondents.

The very fact that the Respondents have re-engaged the Applicant, clearly suggests that there is work in the Respondent's Department.

The Respondents shall not disengage the Applicant so long as work in the Department is available and further benefits - continuity of service, eligibility for temporary status and regularisation, for example - that may accrue to the Applicant on such re-engagement shall be decided and determined as per rules and instructions at the appropriate time.

With the above direction, the O.A. is disposed of. No costs.

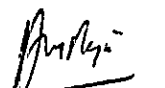

(B.S. Jai Parameshwar)
Member (J)


(H. Rajendra Prasad)
Member (A)

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DICTATED IN OPEN COURT

DATED : 5-8-98


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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE

AND VICE-CHAIRMAN

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

The Hon'ble Mr. B. S. Jayaraman: M(A)
DATED: 5-8-1998.

ORDER/JUDGMENT

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

in

O.A.No.

662/97

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.

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