

(23)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.666/97

DATE OF ORDER : 12-10-1998.

Between :-

N.Narsimlu

... Applicant

And

1. The Director General, Telecom
(rep. Union of India),
New Delhi-110 001.
2. The Chief General Manager,
Telecommunications, AP,
Hyderabad-500 001,
3. The Telecom District Manager,
Mahabubnagar-509 050.
4. The Sub-Divisional Engineer,
Phones, Shadnagar-509 216.

... Respondents

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Counsel for the Applicant : Shri C.Suryanarayana

Counsel for the Respondents : Shri V.Rajeshwar Rao, CGSC

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CORAM:

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

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

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

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Heard Sri C.Suryanarayana, counsel for the applicant and Sri V.Rajeshwar Rao, standing counsel for the Respondents.

2. The applicant claims that he belongs to SC community. He was initially engaged as Casual Labourer from 1-1-89 to 30-11-92. He was not employed in the month of December, 1992. However during 1993-94 he was employed on contract basis and his contract services were terminated with effect from 1-1-95.

3. At that time the applicant approached this Tribunal in OA 1215/95. It is submitted that the said OA is disposed of.

4. The applicant submits that his services were terminated on account of Director General's orders dt.30-3-1985 by which he imposed ban on fresh recruitment and employment of casual mazdoors. But by a Judgement dt.4-5-1988 in OA 529/88 on the file of the Principal Bench relying upon the decision of the Hon'ble Supreme Court reported in AIR 1987 SC 2342 (Regular Casual Labourers of P & T Department Vs. Union of India), the order dt.30-3-1985 was declared invalid.

5. In the meanwhile Respondent No.2 issued fresh instructions in letter No.TA/LC/5-190/95, dt.1-4-97 which were also set aside by the Principal Bench of this Tribunal. Further the Respondent No.3 issued impugned letter dt.11-4-97 and furnished the list of Casual Mazdoor recruited after 22-6-88. As a result, the Respondent No.3 issued the impugned retrenchment notice No.MR/97-98/8, dt.15-4-97 stating that the casual services of the applicant

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were no longer required and therefore dispensed with.

6. The applicant has filed this OA challenging the order dt.1-4-97 issued by the Respondent No.2 order dt.11-4-97 issued by Respondent No.3 and consequential retrenchment notice dt. 15-4-97 and for a consequential direction to the Respondents to regularise his services with all consequential benefits.

7. The Respondents have not filed any counter in this O.A.

8. During the course of hearing, the learned counsel for the applicant relied upon the order passed by this Bench in OA 1258/97. The observations made in the said OA are fully applicable to the facts of this case also. The respondent authorities must take into consideration the observations made in OA 1258/97 while considering the case of the applicant. The learned standing counsel for the Respondents also submits that the directions as given in OA 1258/97 holds good in this OA. Accordingly the following directions are given :-

" The respondents may sympathetically consider the case of the applicant and provide him work to continue in his service as per the rules. Till work is available with the respondent department, the respondents may continue the services of the applicant by virtue of the interim order. In case of any eventuality arises that the respondents are to disengage the applicant or to terminate the contract services of the applicant, then the respondents may consider the case of the applicant to engage him in the works that may arise in future instead of outsiders.

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9. With the above directions, the Original Application is disposed of. No order as to costs.

Bhawan
12-10-98 (E.S.2.3A1 PARAME SHWAR)
Member (J)

Dated: 12th October, 1998.
Dictated in Open Court.

Amby
DR *Tiwari*

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Copy to:

- 1- The Director General, Telecom, New Delhi.
2. The Chief General Manager, Telecommunications, A.P., Hyderabad.
3. The Telecom District Manager, Mahaboobnagar.
4. The Sub Divisional Engineer, Phones, Shadnagar.
5. One copy to Mr.C.Suryanarayana,Advocate,CAT,Hyderabad.
6. One copy to Mr.V.Rajeswara Rao, Addl.CGSC,cAT,Hyderabad.
7. One copy to HBSJP,M(J),CAT,Hyderabad.
8. One copy to D.R(A),CAT,Hyderabad.
9. One duplicate copy.

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29/10/98

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II COURT

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI RIRANGAIDAN : M(A)

AND

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

DATED: 12/10/98

ORDER/JUDGMENT

M.A/R.A/C.P.N.C.

in
O.A. NO. 666/92

ADMITTED AND INTERIM DIRECTI NS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLR

