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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.724/97

DATE OF ORDER : 11-06-1997.

Between :-

M.Subba Reddy

... Applicant

And

1. The Chief General Manager,
Telecommunication (Telecom),
Hyderabad.
2. The General Manager,
Telecommunications,
Visakhapatnam.
3. The Telecom District Manager,
Ongole - 523 050.
4. The Sub-Divisional Officer,
Telecommunications,
Ongole.

... Respondents

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Counsel for the Applicant : Shri P.Krishna Reddy

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

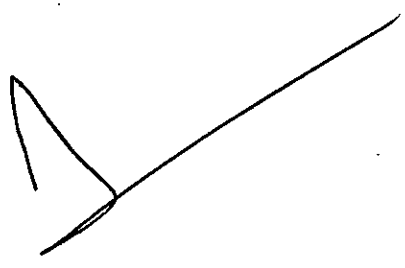
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CORAM:

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

(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 Mrs. P.Sharada for Shri P.Krishna Reddy, learned counsel for the applicant and Shri V.Rajeshwar Rao, standing counsel for the respondents.

2. The applicant in this O.A. submits that he is a casual labourer having 10 years of service and he is eligible for regularisation as per rules. He also brought to my notice the directions given in OA 578/94 decided on 30-1-95. As per the directions in that OA, his termination order dt.28-3-94 was set aside and respondents were directed to re-engage the applicant for casual service within a period of 15 days from the date of communication of that order with liberty to the respondents to take action against the applicant if they decides to do so in accordance with the law. It is stated that even though the applicant was re-engaged, he was reinstated much later than the period stipulated as directed by the judgement in OA 578/94. It is further stated that the applicant was sent for the selection for Phone Mechanic as per letter No.E-17/9M/95-96/62 dt.19-1-96 (Annexure-III to OA). In the letter No.E.1/TSMs/96-97/19 dt.23-12-96 (Annexure VI to OA), ~~the applicant~~ it is stated that the applicant had not completed 10 years of service as on 31-3-96 due to break in service in the year 1994-95. Hence it maybe possible that on that ground he may not have been considered for the post of Phone Mechanic. In any case that is not a point for consideration in this O.A. The applicant was dis-engaged and his name was removed from muster rolls with effect from 1-6-97 as per the

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impugned order No.X/T.S.M./96-97 dt.30-5-97 (Annexure-VII to OA).

It is stated that the applicant was stopped from his work. It is not known to whom this impugned letter is addressed. This order also does not indicate the reasons for the removal of the applicant's name from the muster rolls.

3. This OA is filed to set aside the impugned order dt.30-5-97 issued by Respondent No.4 and for a consequential direction to the respondents to continue the applicant in the present post of temporary status mazdoor (Telecommunications) and to send him for training of Phone Mechanic and to absorb him in that post on regular basis. From the above prayer, it looks that the applicant prays for the following reliefs :-

- (i) to set aside the impugned order dt.30-5-97;
- (ii) to continue him as a temporary status mazdoor as if he has been brought on temporary status earlier and;
- (iii) to send him to the training of phone mechanic and to absorb him on that post on regular basis.

4. Reinstating him by setting aside the removal of his name from the muster rolls by the impugned order dt.30-5-97 is an entirely different relief and the subsequent prayers cannot be considered as consequential prayers for setting aside the order dt.30-5-97. If the applicant is aggrieved for not sending him for phone mechanic training, he has to file a separate OA for that relief. Hence I am of the opinion that this OA has to be restricted only for challenging the impugned order dt.30-5-97 in so far as the applicant is concerned and to re-engage him as a casual mazdoor if he is already dis-engaged. Hence the OA is restricted in regard to the prayer of setting aside the removal

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name of the
of the/applicant from the muster rolls and dis-engaging him from
service as indicated in letter dt.30-5-97.

4. The learned counsel for the respondents submit that as per the instructions given from his client, the applicant was stopped from attending to duty due to want of work. The applicant cannot request for re-engage^{ment} if there is no work. Hence he ^{submits} that the applicant may submit a representation for re-engaging him and a direction may be given to re-engage him if work is available.

5. The impugned letter dt.30-5-97 as stated earlier does not give any indication for removal of the name of the applicant from the muster roll and dis-engaging him from service. The letter dt.30-5-97 is silent and the bald statement by the counsel for the respondents that the applicant was dis-engaged for want of work is not acceptable unless such an indication is given in the impugned order dt.30-5-97.

6. In the facts and circumstances of the case I feel that justice will be done if the impugned order dt.30-5-97 is set aside ⁱⁿ so far as it relates to the applicant in this OA and the applicant is permitted to file ^a detailed representation within 10 days from today to Respondent No.3 to continue to engage him in the post of casual mazdoor. If such a representation is received, the same should be disposed of expeditiously. Till representation of as above is disposed of, he such time the/applicant/should be engaged in service as a casual mazdoor. If ~~xxxxxxxx~~ by ~~the~~ is already ~~xxxxxxxx~~ dis-engaged, he should be re-engaged ^{with.} on receipt of this order forth. The impugned order dt.30-5-97 ⁱⁿ so far as the applicant is concerned will

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come into force only after the disposal of the applicant's representation as directed above. In the result, the following direction is given :-

- (i) The impugned order dt.30-5-97 in so far as it relates to applicant is suspended;
- (ii) The applicant is permitted to file a representation for continuance of his engagement as casual mazdoor within 10 days from today to respondent No.3;
- (iii) If such a representation is received, the same has to be disposed of expeditiously in accordance with law. Till such time, the representation is disposed of, the impugned order dt.30-5-97 in so far as it relates to the applicant, which is suspended, should not be enforced. If the applicant is already dis-engaged, he should be re-engaged forthwith on receipt of this order.

7. The Original Application is ordered accordingly at the admission stage itself. No order as to costs.



(R. RANGARAJAN)
Member (A)

Dated: 11th June, 1997.
Dictated in Open Court.

Mythri
Dr. Ranganathan (Sd.)

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Copy to:-

1. The Chief General Manager, Telecommunications(Telecom), Hyd.
2. The General Manager, Telecommunications, Visakhapatnam.
3. The Telecom District Manager, Ongole.
4. The Sub Divisional Officer, Telecommunications, Ongloe.
5. One copy to Sri. P.Krishna Reddy, advocate, CAT, Hyd.
6. One copy to Sri. V.Rajeswara Rao, Addl. CGSC, CAT, Hyd.
7. One copy to Deputy Registrar(A), CAT, Hyd.
8. One spare copy.

Rsm/-

C.C. 7384
23/6/97
HYD.

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

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: 11/6/97

ORDER/JUDGEMENT

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

D.A.NO. 724/97

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 प्रशासनिक अधिकरण Central Administrative Tribunal वेपण/DESPATCH 17 JUN 1997 हैदराबाद बेंच HYDERABAD BENCH
