

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A. 406/97.

De. of Decision : 15-4-97.

M. Sankara Rao

.. Applicant.

Vs

1. The Sub-Divisional Engineer(Groups),
Telecommunication, Garividi.
2. The Telecom District Engineer,
Vizianagaram.
3. The Chief General Manager,
Telecommunications,
Doorsanchar Bhavan,
Nampally StationRoad,
Hyderabad.
4. The Chairman, Telecom Commission,
New Delhi.

.. Respondents.

Counsel for the applicant : Mr.K.Venkateswara Rao

Counsel for the respondents : Mr.V.Bhimanna, Addl.CGSC.

CORAM:

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

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

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the date of attaining majority. The service rendered by the applicant in that OA earlier to the date of attaining majority i.e., the boy service cannot be counted for purpose of seniority. That OA was disposed of after considering the direction in OA.1445/95 dated 29-11-95 which is relied upon in this OA. OA.1445/95 was based on the reported judgement of the Calcutta High Court reported in 1992 (3) SLJ 31 (Smt. Mira Bagchi & Another Vs. Gobinda Chandra Bal & Another).

6. In view of what is stated above, the judgement in OA. 106/93 decided on 3-9-96 squarely covered the various contentions made in this OA. Hence, for the reasons stated in OA.106/93 this OA is also liable to be rejected. Accordingly, it is dismissed at the admission stage itself. No costs.

प्राप्तिकृत प्राप्त
CERTIFIED TO BE TRUE COPY

E.N. Wilson

स्वायालय अधिकारी
COURT OFFICER
केन्द्रीय प्रशासनिक अधिकार
Central Administrative Tribunal
हैदराबाद न्यायालय
HYDERABAD BENCH

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ORDER

ORAL ORDER (PER HON'BLE SHRI R.RANGARAJAN : MEMBER (ADMN.)

Heard Mr.K.Venkateswara Rao, learned counsel for the applicant and Mr.V.Bhimanna, learned counsel for the respondents.

2. The applicant in this OA has challenged the validity of the impugned memo No.RE-1/CM/Reg./95-96/Vol.II/123 dated 8-10-96 (Annexure-I). This letter is re-produced below:-

"Please refer to the letter cited wherein the representation of Sri M.Sankara Rao, RM, Garividi for counting of boy days was forwarded. In this connection, it is to say that the service rendered before attaining the minimum prescribed age shall not be counted for the purpose of regularisation while computing ten years of service as per the rules in vogue.

The official, Sri M.Sankara Rao, RM, Garividi may be informed accordingly."

As per this letter the service rendered by the applicant earlier to the period he became major i.e., the boy service from 1-11-81 to 31-5-82 was rejected for purpose of fixing his seniority after he is regularised.

3. This OA is filed praying for setting aside the impugned order No.RE-1/CM/Reg./95-96/Vol.II/123 dated 8-10-96 (Annexure-I) and also counting that period for purpose of fixing his seniority after his regularisation.

4. The applicant relies on the judgement of this Tribunal in OA.1445/95 dated 29-11-95 to state that he is entitled to count the service rendered by him earlier to his becoming major (boy service) for fixing his seniority as a Mazdoor after he has been regularised w.e.f., 31-5-82.

5. OA.106/93 dated 3-9-96, wherein one of the Members (Shri R.RANGARAJAN, M(A)) was party to that judgement, had held that the service of the applicant in that OA for purpose of reckoning 10 years of service for regularisation can be considered only w.e.f.

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Central Administrative Tribunal
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HYDERABAD BENCH

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Hyde road

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