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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.1332/97

Date of Order: 13.10.97

BETWEEN :

Md. N.D.H. Qualandar Ali

.. Applicant.

AND

1. The Sub-Divisional Officer,
Phones, Khammam. 507 003
2. The Telecom District Manager,
Khammam. 507 050
3. The Director-General, Telecom,
(reptg. Union of India),
New Delhi. 110 001

.. Respondents.

— — —

Counsel for the Applicant

.. Mr. C. Suryanarayana

Counsel for the Respondents

.. Mr. K. Bhaskara Rao

— — —

CORAM:

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

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

— — —

O R D E R

X As per Hon'ble Shri B.S. Jai Parameshwar, Member (Judl.) X

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Heard Mr. C. Suryanarayana, learned counsel for the applicant and Mr. K. Bhaskara Rao, learned standing counsel for the respondents.

2. The applicant was appointed as Casual Typist under the respondents and has been continuing as such in the SDOP's office but his name was not shown in the attendance register from May

1997 onwards so that no record is available to show that he worked as such for the last 5 years. He has relied upon the decision of the Hon'ble Supreme Court in the case of State of Haryana v. Piara Singh 1992 SCC (L&S) 825 (= AIR 1992 SC 2130) to contend that his termination after continuously employing him nearly 5 years is violative and that he is entitled for absorption in the regular establishment as Telecom Office Assistant

3. The applicant has filed this OA to declare that his termination effective from 1.5.97 is void ab initio and entitled to reinstatement with continuity of service, backwages and also entitled absorption as TOA in the Telecom District, Khammam and for consequential benefits.

4. During the course of admission hearing we enquired from the learned counsel for the applicant whether the applicant had submitted a representation to the authorities before approaching this Tribunal. The learned counsel for the applicant submitted that he has not filed any representation but he is of the opinion that the justice ^{will} ~~should~~ be done if he approaches this Tribunal. As the OA is just now filed it will take quite sometime for consideration by this Tribunal. Hence we thought it fit to advise the learned counsel for the applicant to approach the authorities first so that if he has ^{luck} ~~luck~~ they will determine his case early. He prayed for a direction to the respondents to consider his case very early by the Respondent No.2.

5. In view of the above the OA is disposed as under :-

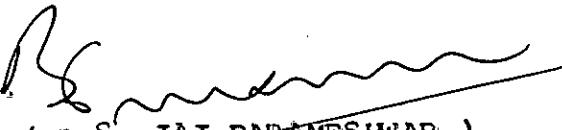
If the applicant is so advised, he may file a representation to R-2 for continuing him as a temporary TOA and consider his case for regularisation in due course. If such a representation

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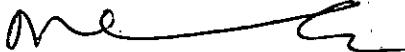
is received by R-2 then R-2 should dispose of the same in accordance with the law within a period of 3 months from the date of receipt of a copy of the representation.

6. The OA is disposed of with no costs.


(B.S. JAI PARAMESHWAR)

Member (Judl.)

13.10.97


(R. RANGARAJAN)

Member (Adm.)

Dated : 13th October, 1997

(Dictated in Open Court)

sd


DR

OA.1332/97

1. The Sub-Divisional Officer, Phones, Khammam.
2. The Telecom District Manager, Khammam.
3. The Director General, Telecom, New Delhi.
4. One copy to Mr. C.Suryanarayana, Advocate, CAT., Hyd.
5. One copy to Mr. K. Bhaskara Rao, Addl.CGSC., CAT., Hyd.
6. One copy to HBSJP M (J) , CAT., Hyd.
7. One copy to D.R.(A), CAT., Hyd.
8. One duplicate copy.

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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: 13-10-97

ORDER/JUDGMENT

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

in

O.A.NO. 1332 / 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.

YLR

II Court

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal

DESPATCH

22 OCT 1997

हैदराबाद आयपोठ
HYDERABAD BENCH