

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : AT HYDERABAD.

O.A. NO.1366 of 1997.Date of order :- 12-8-1998

Between :

N. Raveendra, s/o N.Narayana,
 aged about 21 years, Occ:Casual Labourer,
 T.C. Kodur, R/o New Water Tank, Maspeta,
 Rayachoti.

... Applicant

And

1. The Chief General Manager,
 Telecommunications, A.P.Circle,
 Abids, Hyderabad.

2. The Telecom District Manager,
 Cuddapah.

3. The Officer-In-Charge,
 Telecom Centre, Kodur.

... Respondents

Counsel for Applicant ... Mr. V.Venkateswara Rao

Counsel for Respondents ... Mr. V.Vinod Kumar, CGSC

Coram :

Honourable Mr. H. Rajendra Prasad, Member(Administrative)

Honourable Mr. B.S.Jai Parameshwar, Member(Judicial)

O R D E R.

(Per Hon.Mr.B.S.Jai Parameshwar, Member (J))

1. Heard Mr. V. Venkateswara Rao, learned counsel for the applicant and Mr. V. Vinod Kumar, learned Standing Counsel for the respondents.

2. This is an application under Section 19 of the Administrative Tribunals Act. The application was filed on 15th October, 1997.

3. The applicant was engaged as a casual labourer on 1.9.1995. He has been working as such at the Telecom Centre, Kodur. He submits that he has completed 240 days in a year since 1995.

4. His grievance is that though he has been engaged as a casual labourer, the respondents are treating him as a part-time/contract labourer and that he claims that his services are liable to be regularised under the Casual Labourers(Grant of

Temporary Status and Regularisation) Scheme, 1989.

5. Hence he has filed this O.A. praying for a direction to the respondents to grant him temporary status under the Scheme, 1989 with all consequential benefits.

6. Learned counsel for the respondents submitted that the reply filed in O.A. No. 1258/97 may kindly be read as the reply in this O.A. The respondents have relied upon the decision of this Tribunal in O.A. No. 1080/95 and they have raised many contentions. Suffice it to say, they contend that the applicant is not eligible to claim any benefit under the Scheme, 1989 for, the said scheme which came into force from 1.10.1989 is applicable to those casual labourers who were on the rolls of the respondent -department and who had completed 240 days continuous service in a particular year and who were sponsored by the Employment Exchange. They submit that the said scheme is applicable to those casual labourers who were engaged before 22.6.1988. Since the applicant was engaged in the year 1995, he is not entitled to claim the benefits under the scheme.

7. The contention of the respondents as regards non-applicability of the scheme, 1989 to the applicant is well-founded. The applicant was engaged as a Casual Mazdoor only from 1995. Therefore, any person who has been engaged as a casual labourer after 22.6.1988 is not governed by the scheme, 1989.

8. The grievance of the applicant that the respondents have been treating him as a part-time labourers/ contract labourer has no foundation. Neither he has produced any material to show that the respondents have treated him as such nor the respondents have produced any document to show that he was engaged as a part-time labourer/contract labourer. Therefore, it may not be necessary for us to go into this aspect of the matter.

9. However, by virtue of the interim order dated 20.10.1997 the applicant has been continuing in the respondent-department.

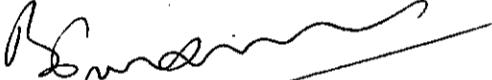
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10. We feel it proper to direct the respondents to follow the directions given by this Tribunal in O.A.No.1080/95 decided on 30.4.1998.

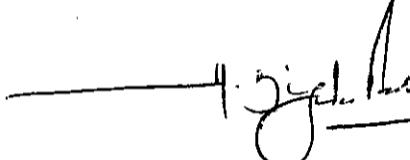
11. We hope and trust that the respondents shall not take a hasty decision to dispense with the services of the applicant so long as the work is available with them.

In case they decide to dispense with the services of the applicant, ^{to follow the prescribed procedure of serving notice with adequate time and} we direct the respondents to enter the name of the applicant in a live register of the retrenched casual labourers and to engage him as per his turn whenever the work is available with the department.

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

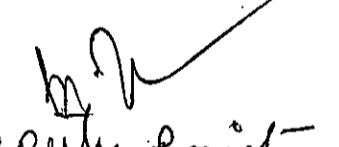

(B.S.Jai Parameshwar)
Member (J)

12/8/98


(H. Rajendra Prasad)
Member (A)

Dated the 12th August, 1998.

DJ/


Deputy Registrar