

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.320/99.

Dt.of Decision : 02-03-99.

N. Srinivas Reddy

.. Applicant.

Vs

1. The Sub-Divisional Officer,
Telecom-Karimnagar,
Karimnagar District.
2. The Telecom District Manager,
Karimnagar, Karimnagar District.
3. The Telecom Dist. Engineer,
Karimnagar, Karimnagar Dist.

.. Respondents.

Counsel for the applicant

: Mr.P.Kishore Rao

Counsel for the respondents

: Mr.B.N.Sharma, Sr.CGSC.

CORAM:-

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

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



..2/-



-2-

ORDER

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

None for the applicant. Heard Mr. Jaccob for Mr. B.N. Sharma, learned counsel for the respondents.

2. The applicant was initially engaged as casual mazdoor in the year 1985 and he was brought on temporary status on 1-10-89 by letter No.E-6-46/Vol.IV/91-92/200 dated 17-08-91 by R-3. It is stated that the applicant had worked regularly without any remarks till 1992. However he was mentally depressed and hence he could not attend the duties w.e.f., 10-05-92. On recovery from sickness and ailment he had gone to Yadagirigutta to offer prayers to Lord Narasimhaswamy and while returning back on 17-10-94 he met with a major accident on 17-10-94. Hence he was hospitalised and undergone medical treatment. In these circumstances the applicant could not attend the duties from 10-5-92 to 11-8-97 submits the applicant. It is also stated that after recovery from mental depression and accident he reported to duty with fitness certificate but he was not admitted to duty. It appears that he became fit on 15-10-94. But he submitted a detailed representation on 13-8-97 enclosing medical and fitness certificate and requested the authorities to reinstate him into service. That was rejected by the impugned order No.W-1/98-99 dated 16-04-98 (Annexure-VI).

3. This OA is filed to set aside the impugned order No.W-1/98-99 dated 16-4-99 rejecting his request by R-2 and for a consequential direction to reinstate the applicant in service with all benefits.



..3/-

-3-

4. The applicant it appears had become fit for resuming duties on 15-10-94. If so he could have immediately attended the office and requested the authorities for his reinstatement. But it appears that he submitted his representation only on 13-8-97 i.e., about 3 years after he became fit. That request was rejected. The applicant did not approach the authorities stating the reasons for his absence even after he became fit after the illness of mental depression. Hence, the applicant cannot ask for immediate reinstatement as he was absent for very long time without getting necessary permission from the authorities.

5. In the facts and circumstances of the case the following direction is given:-

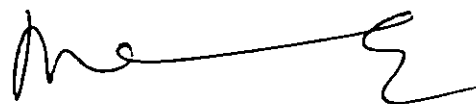
R-2 should engage him as Casual Mazdoor if there is need for engaging casual mazdoors from open market. The applicant cannot claim any benefits of his past services if engaged in pursuance of the directions given above.

6. The OA is ordered accordingly at the admission stage itself. No costs.



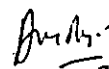
(B.S. JAI PARAMESHWAR)
MEMBER (JUDL.)

2359



(R. RANGARAJAN)
MEMBER (ADMN.)

Dated : The 02nd March, 1999.
(Dictated in the Open Court)


4388

spr

16/3/99
1st and 11nd Court.

Copy to:

1. NDHND
2. HHDP M(A)
3. HDSJP M(J)
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5. SPARE ✓

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD.

~~THE HON'BLE MR. JUSTICE D.H. NASIR:~~
~~VICE - CHAIRMAN~~

~~THE HON'BLE H. RAJENDRA PRASAD :~~
~~MEMBER (A)~~

THE HON'BLE R. RANGARAJAN
MEMBER (A) ✓

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

DATED: 2-3-99

ORDER/JUDGMENT

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

IN

O.A.NO : 320/99.

~~ADMITTED AND INTERIM DIRECTIONS~~
~~ISSUED.~~

~~ALLOWED~~

~~DISPOSED OF WITH DIRECTIONS~~

~~DISMISSED~~

~~DISMISSED AS WITHDRAWN~~

~~ORDERED/REJECTED~~

~~NO ORDER AS TO COSTS~~

(7 copies)

