

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No. 62/99

Date of Order : 11.3.99

BETWEEN :

B.Lakshman

.. Applicant.

AND

1. The Sub Divisional Officer,
Telecom, Peddapalli.
2. The Telecom District Manager,
Kareemnagar.
3. The Chief General Manager,
Telecommunication,
Dorrsanchar Bhavan, Hyderabad.

.. Respondents.

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Counsel for the Applicant

.. Mr.K.Venkateswara Rao

Counsel for the Respondents

.. Mr.V.Rajeswara Rao

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CORAM :

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

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

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O R D E R

{ As per Hon'ble Shri R.Rangarajan, Member (Admn.) }

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Mr.T.V.V.S.Murthy for Mr.K.Venkateswara Rao, learned
counsel for the applicant and Mr.V.Rajeswara Rao, learned
standing counsel for the respondents.

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2. The applicant in this OA was engaged as casual mazdoor w.e.f. 3.2.86 to 20.12.89, with artificial breaks in between. Thereafter his services were terminated. The applicant submits that he had completed 417 days of casual service.

3. This OA is filed for a direction to the respondents to reengage him as casual mazdoor under the control of R-2 in terms of various instructions issued by the Director General, Telecommunications and also as per the Lr.No.TA/LC/1-2/III dated 31.10.91 and Lr.No.TA/RE/20-2/Rlgs/Corr, dated 22.2.93 issued by R-3.

4. The applicant relied on the judgement of this Tribunal in OA. 1293/94 dated 21.10.94 to state that the applicant though discharged way back in 1989 he can be engaged as casual labour in preference to freshers from the open market.

5. A reply has been filed in this OA. The main contention of the respondents in this OA is that the services of the applicant had been terminated way back in 1989 and there is also a memo No.269-4/93-STN-II (Pt) dated 12.2.99 whereby the engagement of casual labour even through contractors is prohibited and hence the question of engaging the applicant as casual labour in preference to freshers may not arise.

6. Though the applicant was terminated way back in 1989 he may have some experience in regard to the work in the department because ^{of his} ~~ex~~ service in earlier ^{years}. The applicant

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approached this Tribunal after 9 years. Hence the OA is also liable to be dismissed on delay and laches. However the reason given for the absence though not very much acceptable there appears to be some reason for considering ^{hi} ~~the~~ cases for engagement in future as casual labour in place of fresher from the open market. As ^{he} ~~they~~ fail to approach this Tribunal in time ^{he} ~~they~~ cannot count ^{his} ~~their~~ previous service for any benefit even for the payment on daily wages or for any other benefits such as seniority, bringing ^{him} ~~them~~ to temporary status or for regularisation. ^{he} ~~They~~ can only be considered for engagement in future if there is need for engagement of casual labourers due to work load in place of freshers from open market.

7. The above direction no way stands in the way of the respondents in implementation of the circular dated 12.2.99 referred to above.

8. In the result the following direction is given :-

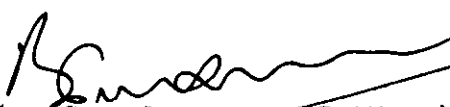
In future if there is work and there is need for engagement ^{or} ~~for~~ casual mazdoor, the applicant should be considered for engagement as casual labour in preference to freshers from the open market. Such engagement will no way give ^{him} any right for counting the previous service and any other benefits.

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


(B.S. JAI PARAMESHWAR)
Member (Judl.)

11.3.99


(R. RANGARAJAN)
Member (Admn.)

Dated : 11th March, 1999
(Dictated in Open Court)


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