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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

O.A.687/99

Date: 18.2.00

Between:

K. Venkateswarlu

.. Applicant

A N D

1. The Chief General Manager,
Telecommunications,
A.P. Circle,
Hyderabad - 500 001.

2. The General Manager,
Telecom,
Tirupathi - 517 050.

.. Respondents

Counsel for the applicant :Mr. C.Suryanarayana

Counsel for the respondents :Mr. V.Rajeswara Rao

Coram:

Hon.Shri B.S. Jai Parameshwar, Member (J)

O R D E R

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

Heard Mr. C.Suryanarayana, learned
counsel for the applicant and Mr. V. Rajeswara Rao,
learned standing counsel for the respondents.

2. The applicant herein was engaged as
casual mazdoor w.e.f. 9-9-1985 by the Assistant
Engineer, TAX Installation, Guntakal(Annexure A-3)
It is stated that the Project/Installation authorities
were eligible to select or engage casual mazdoors
vide DG P&T letter dt. 30-3-85. He was sent

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..2/-

to work in Tirupathi Telecom District from October, 1987 onwards. He has been working in Puttur Telecom (Groups) Sub Division under Respondent no.2. The SDE Telecom (Groups) Puttur had certified the engagement of the applicant as casual mazdoor as per Annexure A-4. He has been continuing till now.

3. He submits that the SDE Telecom (Groups) Puttur ~~xx~~ forwarded the representations of the applicant to the office of the R-2 for grant of temporary status and/or for regularisation as per Annexures A-6 & A-7. The applicant submits that the break in service are certified in Annexure A-8. He submits that the break in service were technical and are liable to be ignored.

4. He was not granted permission to appear for the Telecom Mechanics recruitment examination scheduled to be held in AP circle on the ground that he was not nominated by respondent no.2.

5. Hence he has filed this OA for the following reliefs ;

"to direct the respondent-authorities to issue orders for his regularisation and absorption as RM in a Group-D cadre with effect from the date from which his junior (i.e. those that were initially selected as Casual Mazdoors from dates after the selection of the Applicant herein as such Casual Mazdoor and in the absence of the same to direct that the Applicant be granted temporary status with effect from 1-10-89 since he has rendered 240 days service in the years preceding that date (1-10-89) or from the date on which he or any of his juniors have completed 240 days service in the year preceding such date.."

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6. He submits that he was initially engaged as casual mazdoor by the Asstt. Engineer Installation Guntakal and therefore he ought to have been granted temporary status w.e.f. 1-10-1989 and absorbed in a regular Group-D establishment by now. Had he been granted temporary status and absorbed in Group 'D' cadre he would have become eligible for appearing Telecom Mechanics recruitment examination to be held on 2-5-99.

7. He has relied upon the decision in the case of Rampal & Ors. v. U.O.I. (1991 ATJ 415) to contend that grant of temporary status and regularisation is a scheme meant for welfare of the casual ~~XXXX~~ employees has to be interpreted broadly to include even those who had ^{the} required number of days of service in a year to their credit, even if the service is beyond the cut-off date so called. It was pointed out that in the case ~~of~~ reported in 1988(1)ATR 556 that the technical breaks should be ignored.

8. The respondents have filed a reply. Reply filed by the respondents ^{as} do not traverse the various averments made in the application. It also does not touch the material papers produced by the applicant. They do not dispute the contention that the applicant was engaged by the Asstt. Engineer Installation at Guntakkal w.e.f. 9-9-95. After completion of the work at Guntakkal he was transferred to work in Telecom District Tirupathi w.e.f. October, 1987. He has been working at Telecom (Groups) Puttur Sub division.

9. The respondents in their reply simply states that the applicant has not submitted his representation for regularisation through the department

and has approached the Tribunal without exhausting the remedy available to him through the department.

10. By interim order dt.6-5-99 the respondents were directed to keep one post of Telecom Mechanic pending determination of claim of the applicant as regards temporary status/regularisation and consequent eligibility/ineligibility to the said post.

11. From the material placed by the applicant it is manifest that he has been working in the Puttur Telecom(Group) since 9-9-85. Whatever the break in service, the applicant ^{submits} ~~has~~, must be ignored taking due note of the decision relied upon by the applicant.

12. Even though the SDET(Group)Puttur forwarded the representations of the applicant to the office of respondent no.2 the respondents in the reply attempted to make that the applicant has approached this Tribunal without exhausting his remedy through departmental process. The applicant has furnished the copies of the representations at Annexure A-6 and A-7. The respondents have not traversed this.

13. In that view of the matter the following directions are given:


(a) the respondents shall consider the case of the applicant for regularisation/grant of temporary status in accordance with the rules;

(b) ^{or} on being regularised/~~an~~ granted temporary status his case for appearing for the screening test for the post of Telecom ^{recruitment} Mechanic examination shall be considered;


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- (c) the respondents shall inform the applicant his eligibility or otherwise for appearing for the screening test;
- (d) Till such time the interim order dt. 6-5-99 shall be in force.

14. With the above direction the OA is ordered accordingly.


(B.S. JAI PARAMESHWAR)
Member (J)
18.2.00

MD



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD.

1ST AND 2ND COURT

COPY TO:

1. HDHND
2. HRPW M (ADMN.)
3. HBSJP M (JUDL.)
4. D.R. A(DMN.)
5. SPARE
6. ADVOCATE
7. STANDING COUNSEL

TYPED BY
COMPOSED BY

CHECKED BY
APPROVED BY

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

THE HON'BLE MR. R. RANGARAJAN
MEMBER (ADMN.)

THE HON'BLE MR. B.S. JAI PARAMESWAR
MEMBER (JUDL.)

* * *

DATE OF ORDER: 18/2/2000

MA/RA/CP.NO.

IN

OA. NO. 687/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ADMITTED
AL
CP
RA

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDER/REJECTED

NO ORDER AS TO COSTS

