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CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

No.O.A.1187 of 1999

Date of Order : 10.4.2000

BETWEEN :

D.Ramanaiah...

... Applicant

AND

1. The Telecom District Manager,  
Nellore - 54 001.
2. The Superintendent, Central Telegraphic  
Office, Nellore.
3. SDO (Telephones), Gudur, Nellore District.
4. Sub-Divisional Engineer (Groups),  
Telephone Exchange, Sullurpet, Nellore Dist.
5. Asstt. Divisional Telegraphic Officer,  
(Asstt.DTO), Gudur, Nellore District.
6. Telegraphic Master Incharge, Telecom Centre,  
Sullurpet, Nellore District.

... Respondents

Counsel for applicant : Mr.V.Sudhakar Reddy.

Counsel for respondents: Mr.V.Rajeswara Rao.

CORAM :

1. The Hon'ble Mr.R.Pangarajan, Member (A).
2. The Hon'ble Mr.B.S.Jai Parameshwar, Member (J).

ORDER

B.S.Jai Parameshwar, Member (J)

Mr.V.Sudhakar Reddy for the applicant. Mr.V.Rajeswara Rao,  
ld.Standing Counsel ~~is~~ for the respondents. Heard ld.counsel's  
for both the parties.

2. We are deciding this O.A. in accordance with Rule 15(1) of  
the CAT (Procedure) Rules, 1987.

*[Signature]*

..2/-

3. The applicant belongs to SC Community. He was engaged as Casual Mazdoor (Messenger) @ Rs.20/- per day under the 6th respondent on 23.5.1996 and was holding as such continuously. His wages were being paid once in every 4 days except on Sundays and other Government holidays.

4. He submits that during the year 1999, the 1st respondent requested the 4th respondent to furnish the particulars of the persons working as casual mazdoors in order to grant temporary status. In reply to the said letter, the 4th respondent by his letter dated 18.9.1998, furnished the particulars of the casual labours working under his control, wherein particulars of the applicant were also included. However, the case of the applicant was not considered.

5. Hence, the applicant has filed this O.A. praying for a direction to the respondents to continue him as casual mazdoor and regularise his services with all consequential benefits, since the date of his initial appointment.

6. The respondents have filed a reply stating that the services of the applicant were utilised to supplement the services of part-time employee for delivery of telegrams. As the total number of telegrams to be delivered have come down, the services of the applicant were disengaged w.e.f. 29.6.1999 and the delivery of telegrams was totally entrusted to the part-time employee.

7. The applicant was working as a part-time employee on daily wage basis. The Department of Telecommunications, New Delhi, in letter dated 16.9.1999, has given certain instructions for converting part-time casual employees to full time casual labourers. Paras 1 to 4 of the said letter which are relevant reads as follows -

(i) As a one-time relaxation, part-time casual labourers with 4 or more hours of duty per day who have worked for 240 days in the preceding 12 months may be converted into full time casual labourers. This will be applicable only to the extent of the numbers indicated against respective field units in the annexure.

(ii) They should be engaged as casual labourers subject to suitability.

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(iii) They should be engaged as casual labourers only where there is shortage of Group-D staff (i.e. existence of vacant Group-D posts after accounting for all TSMs and existing full time Casual Labourers) and no post should be created for the purpose.


(iv) In the event there is no shortage in Group-D at the station where the part-time casual labourer is to be engaged to work as full time casual labourers, the part-time casual labourers will not be converted into full time casual labourers.

The annexure to the said letter indicates the number of posts to be regularised and also the number of Group-D posts vacant in A.P. i.e. 317 posts to be regularised and 245 Group-D posts are vacant.

8. On the basis of the said circular/instructions, the respondents may consider the case of the applicant for regularisation. If the applicant comes within the zone of consideration for appointment against Group-D vacancy, his case may be considered. In case the applicant does not come within the zone of consideration, the respondents shall inform the applicant suitably within four months from the date of receipt of a copy of this order.

9. With the above direction, this O.A. is disposed of. No order is made as to costs.

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

  
(R. Rangarajan)  
Member (A)

Dated 10th April, 2000

Dictated in open Court



r.s.

~~Ch. 1~~  
~~pt. 1~~  
~~Q. 1~~