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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.286 of 1999

DATE OF JUDGMENT: 27th DECEMBER, 1999

BETWEEN:

R.UMA MAHESWARA RAO

.. APPLICANT

AND

1. The General Manager,
Telecommunications,
Srikakulam,
2. The Telecom District Manager,
Telecom, Srikakulam,
3. The Sub Divisional Officer (SDOT),
Telecom, Amudalavalasa,
Srikakulam District.

.. RESPONDENTS

COUNSEL FOR THE APPLICANT: Mr.M.P.CHANDRAMOULI

COUNSEL FOR THE RESPONDENTS: Mr.V.RAJESWARA RAO, Adl.CGSC

CORAM:

HON'BLE SRI JUSTICE D.H.NASIR, VICE CHAIRMAN

HON'BLE SRI R.RANGARAJAN, MEMBER (ADMN.)

JUDGMENT

ORAL ORDER (PER HON'BLE SRI R.RANGARAJAN, MEMBER (ADMN.))

None for the applicant. Heard Mr.V.Rajeswara Rao, learned standing counsel for the respondents.

2. The applicant in this OA submits that he enrolled himself with the Employment Exchange, Vizianagaram. As there was a casual vacancy in the Telecom Department at Rajam, the applicant offered himself for the said services



and the then Senior Inspector with the approval of SDOT had engaged the applicant as NMR on 11.11.1983 and he worked in that capacity till 30.12.86 and he was stopped without any orders. He submits that he had submitted a number of representations but none of them ~~was~~ ^{was} replied. He has enclosed representations at Annexures I to IV. Two representations at Annexures I and II were submitted in the year 1987, Annexure III representation in the year 1993 and Annexure IV representation in the year 1994. He also submits that several persons engaged either along with him or subsequently were reengaged and their services were also regularised ultimately. He took up his case once again by issuing a Lawyer's notice to the Chief General Manager, Hyderabad and the General Manager, Telecom, Visakhapatnam and the Telecom District Manager, Srikakulam bringing to their notice the injustice done to him. On receipt of the notice, he was replied on 11.3.96 (Annexure-VI at page 11 to the OA) stating that the applicant had worked for 47 days only as Casual Mazdoor and subsequently he voluntarily stopped to attend the work from February 1984 and hence the question of regularisation of his service does not arise. The applicant contends that he had worked from 1984 to 1986 and not for 47 days as informed to him by the respondents.

3. This OA is filed praying for a direction to the respondents to absorb the applicant in a regular post in Group-D services in the Telecom Division, Srikakulam with all consequential benefits.

4. In the reply, it is stated that the applicant had worked for 47 days from November 1983 to January 1984 under

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SDOT Telecom, Rajam. 56 Casual labourers were working in that new sub-division and after verification of the particulars of those 56 casual mazdoors, they were got sponsored by the Employment Exchange in May, 1984 and the list of such casual mazdoors was widely circulated in May, 1984. The name of the applicant did not figure in the list of those 56 casual mazdoors as he was not working at that time. They deny that the applicant had worked from February 1984 to April 1986 under Muster Rolls. The name of the applicant was not in the list of casual mazdoors engaged under those muster rolls, as seen from Annexure-X letter dated 16.6.97 at page 21 to the OA. Annexure-X letter was addressed to the Assistant Labour Commissioner (Central), Visakhapatnam by the Telecom District Engineer, Srikakulam.

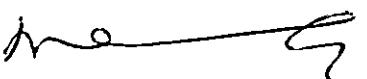
5. The applicant has not filed any rejoinder. Nowhere in the OA affidavit nor in the Annexures enclosed to the OA any statistics or relevant material is available in support of the statement of the applicant that he had worked in the Department from February 1984 to April 1986. Annexure-X letter dated 16.6.97 is the statement of the respondents to the Assistant Labour Commissioner (Central), Visakhapatnam in regard to the service particulars of the applicant. If the applicant is aggrieved by that letter, he should have filed a detailed representation indicating the number of days he had worked as casual mazdoor. But unfortunately such details are not available before us. Further, it is not known why the applicant kept quiet when the list of 56 casual mazdoors who were engaged was circulated in May 1984 and if any of his juniors who had

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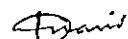
worked less days than him found a place in that list. The question of verification at this late juncture does not arise. The applicant, as stated earlier, failed to file rejoinder rebutting the various statements made by the respondents in the reply statement.

6. Considering the above, we are of the opinion that the applicant has not made out a case to substantiate his contention that he had worked from February 1984 to April 1986. In that view, it is to be held that he worked only for 47 days from November 1982 to January 1983 for which some records are available.

7. In view of what is stated above, the OA lacks merit and hence it is dismissed. No order as to costs.


(R.RANGARAJAN)

MEMBER (ADMN.)


(D.H.NASIR.)
VICE CHAIRMAN

DATED: 27th DECEMBER, 1999
Dictated in the open court

vsn