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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

OA.884/93

date of decision : 16-9-93

Between

Z. Bhaskar Rao : Applicant

and

1. The Assistant Engineer  
Telecom, Rajahmundry 533103

2. The Sub-Divisional Officer  
Telecom, Tanuku,  
West Godavari Dist, AP

3. The Telecom District Manager  
Eluru 534050 : Respondents

Counsel for the applicant : K.L. Narasimham  
Advocate

Counsel for the respondents : N.V. Ramana, Addl. SC  
for Central Government

CORAM

HON. MR. JUSTICE V. NEELADRI RAO, VICE CHAIRMAN

HON. MR. P.T. THIRUVENGADAM, MEMBER (ADMINISTRATION)

Judgement

( As per Hon. Mr. Justice V. Neeladri Rao, Vice Chairman )

Heard Sri K.L. Narasimham, learned counsel for the applicant and Sri N.V. Ramana, learned counsel for the respondents.

2. The applicant was first engaged as casual labour in the West Godavari Division of Telecom in the year 1983. Later in March, 1990 the applicant had gone over to East Godavari unit of Telecom. On 1-1-1993, the Assistant Engineer(Cables) Planning and Construction, Rajahmundry (East Godavari Dist.)

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addressed a letter dated 1-1-1993 to SDO, Telecom, Tanuku, (West Godavari Dist.) informing the latter that as there was no work in the East Godavari unit the applicant wants to go over to West Godavari unit and hence there is no objection for the East Godavari unit.

3. This OA was filed praying for a direction to R-2, SDO Telecom, Tanuku, to take the applicant into service immediately as per letter dated 1-1-1993 of Asstt. Engineer, Telecom, Rajahmundry, and to declare the order dated 3-5-93 issued by R-2 as illegal.

4. The applicant herein filed OA.328/93 praying for a direction to the SDO, Telecom, Tanuku, to take the applicant into service immediately as per letter dated 1-1-1993 of the Asstt. Engineer, Rajahmundry. The said OA was disposed of by order dated 15-4-1993 with a direction to R-2 to pass final orders on the representation dated 2-1-1993 of the applicant within 15 days from the date of communication of that order and if the applicant is aggrieved by such order he is free to move this Tribunal. Thereafter, R-2 by his order dated 3-5-1993 held that any officer upto the Grade of DO, P&T or DOT has no powers to condone the break period exceeding one year and as the applicant was having breaks for more than one year i.e. 1-4-1986 to 30-4-87 and from 1-9-1987 till the date of the order, the case of the applicant cannot be considered by any means.

5. The question of condoning the break in service arises if the casual employee claims that his original seniority has to be protected but this is not a case where the applicant is claiming seniority on the basis of his earlier service in West Godavari District. He has to be taken as

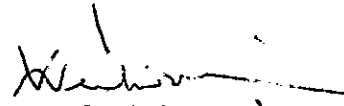
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fresher only. As he worked for about 9 years in the Telecom he had gained sufficient experience in the work of telecom. Further, it is a case where the applicant went to East Godavari unit<sup>one</sup>, there also he worked in the Telecom. So, we feel that it is also in the interest<sup>preference to</sup> of the Institution if the applicant is taken in as ~~much as~~ a fresher when there is work.

6. Hence, R-2 is directed to engage the applicant in preference to the freshers if there is work. We make it clear that on the basis of this fresh engagement his earlier service in West Godavari<sup>unit</sup> will not be taken into consideration for fixing of seniority in future.

7. The OA is ordered accordingly. No costs.

P. J. 26  
(P.T. Thiruvengadam)  
Member (Admn)

  
(V. Neeladri Rao)  
Vice Chairman

Dated : Sept. 16, 93  
Dictated in the Open Court

  
Deputy Registrar (J)

To

1. The Assistant Engineer, Telecom. Rajahmundry-103.
2. The Sub-Divisional Officer, Telecom, Tanuku, W.G Dist.A.P.
3. The Telecom District Manager, Eluru-050.
4. One copy to Mr.K.L.Narasimham, Advocate, 2-2-186/17/c/1 Bagh Amberpet, Hyderabad.
5. One copy to Mr.N.V.Ramana, Addl.CGSC.CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

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7.5.93

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO  
VICE CHAIRMAN

AND

THE HON'BLE MR. A. B. GORTHY : MEMBER (A)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY  
MEMBER (JUDL)

AND

THE HON'BLE MR. P. T. TIRUVENGADAM : M(A)

Dated: 16 - 9 - 1993.

~~ORDER~~/JUDGMENT:

~~M.A./R.A./C.A.~~ No.

in

O.A. No. 884/93.

~~T.A.~~ No. (W.P. )

Admitted and Interim directions  
issued

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default.

Rejected/Ordered.

No order as to costs.

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