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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : AT HYDERABAD.

* * *

D.A. 1581/93

Dt. of Decision : 31.3.94

1.A. ANJIAH

2.S. DASARATH

.. Applicants

Vs

1. Assistant Engineer,
(CC.)-III, Ramakrishnapuram,
Hyderabad - 500 660.

2. The Divisional Engineer,
(C.C.)-III, Hyderabad-500 004.

3. The General Manager,
Telecom District, *
Abids, Hyderabad - 500 001.

4. The Chief General Manager,
A.P.Telecom, Circle,
Hyderabad - 500 001.

5. The Secretary,
Department of Telecommunications
Sanchaar Bhavan,
New Delhi .

.. Respondents.

Counsel for the Applicants : Mr. Y. Vijaya Kumar

Counsel for the Respondents : Mr. N.V. Ramana, Addl.CGSC

CORAM:

THE HON'BLE SHRI JUSTICE V. NEELADRI RAO : VICE CHAIRMAN

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

Judgement

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

Heard Sri Y. Vijaya Kumar, learned counsel for the applicants and Sri N.V. Ramana, learned counsel for the respondents.

2. These two applicants were engaged as Casual Labourers seven years back. They were Black-listed by order dated 6-7-1992 when CC.341/92 on the file of V Metropolitan Magistrate, Hyderabad, was registered against them for the theft under 379 IPC read with 541 IPC. They were acquitted by order dated 4-3-1993. They submitted representation dated 6-4-1993 for reinstatement. The same was refused by order dated 29-4-1993 by stating that there was no direction from the learned Magistrate for the reinstatement. This OA was filed on 17-12-1993 praying for their reengagement as Casual Mazdoors.

3. When once the applicants were acquitted and when the concerned authority had not chosen to make any inquiry with regard to the allegations which are the basis for the CC No.341/92 on the file of V Metropolitan Magistrate, Hyderabad, it is necessary for the respondents to reengage them so long as the work is available and when the juniors are continuing. Hence it is necessary to give a direction to R-2 to re-engage the applicants if the work is available and if the juniors were continued, without retrenching any casual labourer.

4. It is contended for the applicants that they should be given the back wages. But the same has to be disallowed on the grounds of laches as this OA was filed about seven months after they were informed that they will not be reengaged. Hence, it is not a case where back wages can be allowed.

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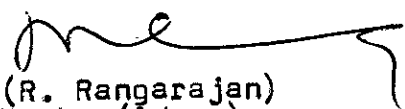
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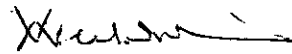
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5. The applicants should be ^{deemed} ~~admitted~~ to have worked from the date they were black-listed till the date on which they had to be reengaged as per this order, for such number of days that can be arrived at on the basis of the average number of days worked for one calendar year prior to 6-7-92, the date on which they were black-listed.

6. In the result, R-2 is directed to reengage the applicants as Casual Labourers so long as there is work and their juniors are continued, without retrenching any one who is now working as Casual Labour in the unit concerned. The seniority for the purpose of absorption as Group-D is on the basis of observations made in the ~~above~~ para 5. The applicants are not entitled to the back wages. This order has to be implemented within a fortnight from the date on which the applicants produce copy of this order.

7. The OA is ordered accordingly. No costs.


(R. Rangarajan)
Member (Admn.)


(V. Neeladri Rao)
Vice-Chairman

Dated : March 31, 1994
Dictated in the Open Court


Deputy Registrar

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Copy to:-

1. Assistant Engineer, (CC)-III, Ramakrishnapuram, Hyd-660.
2. The Divisional Engineer, (C.C.)-III, Hyderabad-004.
3. The General Manager, Telecom District, Abids, Hyd-001.
4. The Chief General Manager, A.P. Telecom, Circle, Hyd-001.
5. The Secretary, Department of Telecommunications, Sancha Bhavan, New Delhi.
6. One copy to Sri. Y. Vijayakumar, advocate, Advocates Associations, High Court Buildings, Hyd.
7. One copy to Sri. N.V. Ramana, Addl. CGSC, CAT, Hyd.
8. One copy to Library, CAT, Hyd.
9. One spare copy.

Rsm/-

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD

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

AND

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

AND

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

AND

THE HON'BLE MR. R. RANGARAJAN : M (ADMN)

Dated: 31/3/1994 ✓

ORDER/JUDGMENT

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

O.A.No.

in

1581/93 ✓

T.A.No.

(w.p.)

Admitted and Interim Directions
Issued.

Allowed

Disposed of with directions

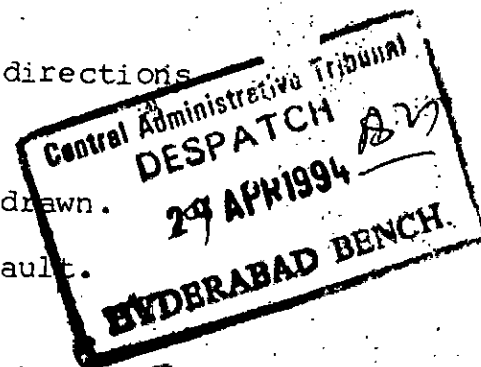
Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs.



pvm

31/3/94
7/4/94