

(20)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. 1320/94.

Dt. of Decision: 26.10.94.

D. Vijaya Kumar

.. Applicant.

Vs

1. The Sub Divisional Officer,
Officer, Phones, Nizamabad.
2. The Telecom District Engineer,
Nizamabad.
3. The Chief General Manager,
Telecommunication, Doorsanchar
Bhavan, Hyderabad.

.. Respondents.

Counsel for the Applicant : Mr. K.Venkateswara Rao

Counsel for the Respondents : Mr. N.R.Devaraj, Sr.CCSC.

CORAM:

THE HON'BLE SHRI A.V. HARIDASAN : MEMBER (JUDL.)

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

O.A. 1320/94.

Dt. of Decision : 26-10-94.

ORDER

I As per Hon'ble Shri R. Rangarajan, Member (Admn.) I

Heard Shri K. Venkateswara Rao, learned counsel for the applicant and Shri N.R. Devaraj, learned standing counsel for the respondents.

2. This OA was filed praying for a declaration that the applicant is entitled to reengagement as Casual Mazdoor under the control of Telecom District Engineer, Nizamabad in terms of various instructions issued by the Director General, Telecom including the instructions dated 21.10.1991 and 22.2.1993 by holding that the action of the respondents in not reengaging the applicant is illegal, arbitrary, discriminatory and violative of Articles 14 and 16 of the Constitution.

3. The applicant alleged that he was first engaged on 1.2.1988 as casual labourer and he was dis-engaged after 1.7.1989 and in-between there were some artificial breaks in service.

4. On the basis of the facts alleged, the only direction that can be given is as under:-

The applicant has to be engaged by the respondents if there is work in the concerned division i.e., Nizamabad division and if his juniors are being continued. It means that the applicant has to be

97

L by him

preferred to fresh recruits if there is going to be fresh recruitment of casual labourers in view of the experience gained in the department. As there are breaks in his service his seniority as a Casual Labour will count ~~and~~ from the date of fresh appointment. If the applicant is going to be appointed in pursuance of this order none shall be retrenched who are already working as casual labour.

S. OA is ordered accordingly at the admission stage itself. No order as to costs.

[Signature]
(R. RANGARAJAN)
MEMBER (ADMN.)

[Signature]
(A.V. HARIDASAN)
MEMBER (JUDL.)

Dated : The 26th October 1994.
Dictated in Open Court.

[Signature]
Deputy Registrar (Judl.)

Copy to:-

1. The Sub Divisional Officer, Phones, Nizamabad.
2. The Telecom District Engineer, Nizamabad.
3. ^{spr} The Chief General Manager, Telecommunications, Doorsanchar Bhavan, Hyderabad.
4. One copy to Sri. K.Venkateswara Rao, advocate, CAT, Hyd.
5. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

Rsm/-

[Signature]

DA-1328/94

Typed by
Checked by

Compared by
Approved by

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR. A.V. HARIDYAN : MEMBER (J)

AND

THE HON'BLE MR. *R. Ranganathan* ~~B. G. GATHI~~ : MEMBER (A)

Dated: 26/10/94

ORDER/JUDGMENT.

M.A. / R.P.C.P. No.

D.A. NO. 1328/94
T.A. NO. (W.P. NO.)

Admitted and Interim Directions
Issued.

Allowed.

Disposed of with Directions.

Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs.

no spare copy

YLKR

Central Administrative Tribunal
DESPATCH
-4 NOV 1994
HYDERABAD BENCH.