IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A. No. 1286/94. Dt. of Decision : 21.10.94.

N. Gangadhar .. Applicant.

Vs

1. The Assistant Engineer,
   Cross Bar Installations,
   Telephone Exchange,
   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.CGSC.

CORAM:

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

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

..2

O.A.No.1286/94. Date:21.10.1994.

JUDGMENT

X as per Hon'ble Sri R.Rangarajan, Member(Administrative) X

Heard Sri K.Venkateswara Rao, learned counsel for the applicant and Sri N.R.Devaraj, learned Standing Counsel for the respondents.

2. The applicant pleads that he was initially engaged as Casual Mazdoor under the control of respondents with effect from 19.3.1985 to 30.9.1986 and thereafter he was engaged periodically i.e. from 1.4.1987 to 31.5.1987; 1.6.1988 to 30.6.1988; and lastly from 1.2.1989 to 30.4.1989. Thereafter his services were terminated and later he was not re-engaged. This OA has been filed praying for a declaration that the applicant is entitled for reengagement as Casual Mazdoor under the control of Telecom District Engineer, Nizamabad in terms of the instructions issued by the Director General, Telecommunication and also as per the Lr.No.TA/LC/1-2/III dt. 21.10.1991 and Lr.No.TA/RE/Rlgs/Corr. dt. 22.2.1993 issued by R-3, by holding that the action of the respondents in not reengaging him as illegal, arbitrary and discriminatory and violative of Articles 14 & 16 of the Constitution of India.

3. As per the details given by the applicant, he was not engaged after 30.4.1989 for any considerable period. Hence, the question of condoning the break does not arise. As such, he is not eligible to claim seniority on the basis of his earlier service in different spells.

...3/-

4. In view of what is stated by the applicant, it has to be presumed that he had gained some experience in the work in the Telecom Department. So, it is in the interest of the department, if he is engaged in preference to a fresher whenever work is available. So, ~~only~~ the relief that can be granted is to direct the 2nd respondent to re-engage the applicant as Casual Mazdoor in preference to freshers whenever there is work. If the applicant is going to be engaged in pursuance of this order, none shall be retrenched who are already in service.

5. The OA is ordered accordingly at the admission stage itself. No costs.

(R.Rangarajan)
Member(Admn.)

(V.Neeladri Rao)
Vice Chairman

Dated 4th October, 1994.

Deputy Registrar(J)CC

Grh.

To

1. The Assistant Engineer, Cross Bar Installations, Telephone Exchange, Nizamabad.
2. The Telecom District Engineer, Nizamabad.
3. The Chief General Manager, Telecommunication, Doorsanchar Bhavan, Hyderabad.
4. One copy to Mr.K.Venkateswar Rao, Advocate, CAT.Hyd.
5. One copy to Mr.N.R.Devraj, Sr.CGSC.CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

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COMPARED BY 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.R.RANGARAJAN : M(ADMN)

DATED: 21-10-1994

ORDER/JUDGMENT

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

in

O.A.No. 1286/94

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

no spare copy

Admitted and Interim directions Issued.

Allowed.

Disposed of with directions. of the administrative

Dismissed

Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected

No order as to costs.

21/10/94

pvm