

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

D.A. 1022/94.

Dte of Decision : 24.8.94.

T. Ashaiah

.. Applicant.

vs

1. The Sub-Divisional Officer,
Nizamabad District.
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.)

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O.A.No.1022/94.

Date: 24.8.1994.

JUDGMENT

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

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

2. The applicant pleads that he was first engaged as Casual Mazdoor under the control of respondents with effect from 16.12.1983 to 31.1.1985 and thereafter he was engaged periodically i.e. from 1.3.1985 to 24.3.1985; 1.6.1985 to 30.9.1985; 8.8.1986 to 31.10.1986; and lastly from 20.3.1988 to 30.6.1988. 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 the ~~telecom district engineer, vizianagaram~~ ~~in view of the above~~ instructions issued by ~~(the)~~ Director General, Telecommunication and also as per letter No.TA/LC/1-2/III dt. 21.10.1991 and Letter No.TA/REpRlgs/Corr. dt. 22.2.1993 issued by R-3, by holding that the action of the respondents in not reengaging him is 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 30.6.1988 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.

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. None ~~will~~ ^{shall} be retrenched who are already in service ~~because of~~ ^{for} ~~any~~ ^{any} reason.

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

Me

(R.Rangarajan)
Member(Admn.)

Neeladri
(V.Neeladri Rao)
Vice Chairman

Dated 21st August, 1994.

Grh.

AM/BS
Deputy Registrar(J)CC

To

1. The Sub Divisional Officer,
Telecommunications, Kamareddy,
Nizamabad Dist.
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.

pvm

C.C. by 26/8/94

25/8/94

TYPED BY

CHECKED BY

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.K.RANGARAJAN : M(ADAM)

DATED: 24-8-1994

ORDER/JUDGMENT

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

O.A.No. 1022/94 in

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

Admitted and Interim directions
Issued.

Allowed.

Disposed of with directions. *ad*

Dismissed

Dismissed as withdrawn

Ordered/Rejected

No order as to costs.

pvm

