

(18)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH  
AT HYDERABAD

OA.1493/94

date of decision : 19-2-94

Between

Rajana Venkata Ramana : Applicant

and

1. The Sub -Divnl. Officer  
Telecom, Narsipatnam

2. The Divnl. Engr. Telecom  
Anakapalli

3. The Telecom Dist. Manager  
Visakhapatnam

4. The Asstt. General Manager  
Telecom, Visakhapatnam : Respondents

Counsel for the applicant : K.L. Narasimham, Advocate

Counsel for the respondents : N.R. Devaraj, SC for Central  
Govt.

CORAM

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

HON. MR. R. RANGARAJAN, MEMBER (ADMN.)

B.A

O.A.No.1493/94.

Date: 19-12-94

J U D G M E N T

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

Heard Sri K.L.Narasimham, learned Counsel for the applicant and Sri N.R.Devaraj, learned Standing Counsel for the respondents.

2. The applicant herein joined as Casual Mazdoor on 14.7.1987 and worked under the control of the respondents upto 31.12.1993 in various spells as shown in the Annexure-I of the O.A. The services of the applicant were terminated thereafter and later he was not re-engaged. This OA has been ----- service by declaring the termination of the applicant from 31.12.1993 as illegal, violative of Articles 14 & 16 of the Constitution of India and principles of natural justice.

3. The applicant relies on letter dt. 22.2.1993 (Annexure-II) to state that the Casual Mazdoors recruited after 31.3.1985 shall not be retrenched or removed from service. It is also stated that he had submitted a representation dt. 3.1.1993 for taking him into service. It is alleged that many of the juniors of the applicant were retained and that some freshers also have been taken into service.

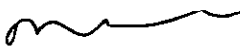
was not engaged for any considerable period subsequent to 31.12.1993. Hence, the question of condoning the break does not arise. As such, he is not eligible to claim seniority


...3/-



5. 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, the only relief that can be granted is to direct the respondents 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.

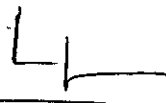
6. The OA is ordered accordingly at the admission stage itself. No costs./

  
(R. Rangarajan)  
Member (Admn.)

  
( V. Neeladri Rao )  
Vice-Chairman

Dated 15<sup>th</sup> December, 1994.

Grh.

  
Deputy Registrar (P) GC

To

1. The Sub Divisional Officer, Telecom, Narsipatnam.
2. The Divisional Engineer, Telecom, Anakapalli.
3. The Telecom Dist. Manager, Visakhapatnam.
4. The Assistant General Manager, Telecom, Visakhapatnam.
5. The Assistant General Manager, Advocate, CAT. Hyd.
6. One copy to Mr. N. R. Devraj, Sr. CGSC. CAT. Hyd.
7. One copy to Library, CAT. Hyd.
8. One spare copy.

pvm.

8/3/94  
20/12/94

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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 (ADMIN)

DATED: 19-12-1994

ORDER/JUDGMENT:

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

in

O.A.No. 1493/94

T.A.No. (w.p.)

Admitted and Interim directions  
issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn

Ordered/Rejected

No order as to costs.

Dvm

