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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA.1502/94

date of decision : 19-12-94

Between

1. Rajan Satyam
2. Ruthala Raja Babu : Applicants

and

1i. The Sub Divl. Officer
Telecom
Rajahmundry

2. The Divisional Engr.
Telecom
Rajahmundry

3. The Telecom District Manager
Rajahmundry : Respondents

Counsel for the applicants : K.L. Narasimham
Advocate

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

CORAM

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

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

P.A.

O.A.No.1502/94.

(15)
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 applicants and Sri N.R.Devaraj, learned Standing Counsel for the respondents.

2. Applicant No.1 herein was engaged as Casual Mazdoor under the control of respondents for the following periods:

- (a) 1.6.1984 to 20.6.1984
- (b) 7.7.1986 to 30.7.1986
- (c) 1.8.1986 to 30.8.1986
- (d) 12.9.1987 to 30.9.1987
- (e) 8.9.1991 to 30.9.1991
- (f) 10.10.91 to 31.10.1991
- (g) 9.11.1991 to 30.11.91
- (h) 1.12.1991 to 20.12.1991, and
- (i) 1.12.1992 to 20.12.1992

under the control of Respondents as under:-

- (a) 1.9.1984 to 30.9.1984
- (b) 1.11.1984 to 30.11.1984
- (c) 1.12.1984 to 30.12.1984
- (d) 1.1.1985 to 26.1.1985
- (e) 1.2.1985 to 28.2.1985
- (f) 1.3.1985 to 25.3.1985
- (g) 7.7.1986 to 30.7.1986
- (h) 1.8.1986 to 31.8.1986
- (i) 1.12.1991 to 31.12.1991
- (j) 1.1.1992 to 31.1.1992
- (k) 1.2.1992 to 29.2.1992 and
- (l) 30.2.1992 to 20.12.1992)

The services of the applicants were terminated thereafter and later they were not re-engaged. This OA has been filed for a declaration that the termination of the applicants from 20.12.1992 illegal and violative of Articles 14, 16 and 19 of the Constitution of India and principles of natural justice and for a direction to the respondents to re-engage the applicants into service immediately.

...3/-



To

1. The Sub Divisional Officer, Telecom, Rajahmundry.
2. The Divisional Engineer, Telecom, Rajahmundry.
3. The Telecom District Manager, Rajahmundry.
4. One copy to Mr.K.L.Narasimham, 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

[Handwritten signature and initials at the bottom left corner]

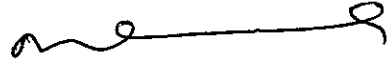
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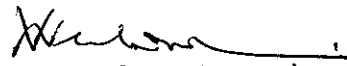
4. The applicants rely on letter dt. 22.2.1993 which was issued after their retrenchment (Annexure-II) to state that the Casual Mazdoors recruited after 31.3.1985 shall not be retrenched or removed from service. It is also stated that they had submitted representations dt. 1.6.1993 for taking them into service. It is alleged that many of their juniors were retained and that some freshers also have been taken into service.

5. As per the details given by the applicants, they were not engaged subsequent to 20.12.1992. Hence, the question of condoning the break does not arise. As such, they are not eligible to claim seniority on the basis of their earlier service in different spells.

6. In view of what is stated by the applicants, it has to be presumed that they had gained some experience in the work in the Telecom department. So, it is in the 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 applicants are going to be engaged in pursuance of this order, none shall be retrenched who are already in service.

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


(R. Rangarajan)
Member (Admn.)


(V. Neeladri Rao)
Vice Chairman

Dated 19th December, 1994.

L1
Deputy Registrar (C) (C)

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. R. RANGARAJAN : M (ADMIN)

DATED: 19-12-1994

ORDER/JUDGMENTN:

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

in

T.A.No.

(w.p.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default.

Ordered/Rejected

No order as to costs.

pvm

