

14

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD

D.A.NO.595/95

Between:

Date of Order: 9.5.95.

Mohd Younus Qureshi

...Applicant.

And

1. The Chief General Manager,
Telecommunications,
A.P.Circle,
Doorsanchar Bhavan,
Mampally,
Hyderabad.
2. The Telecom District Engineer,
Medak District,
Sangareddy.
3. The Sub Divisional Officer,
Telecommunications,
Sangareddy,
Medak District.

...Respondents.

Counsel for the Applicant : Mr.K.Venkateswarulu

Counsel for the Respondents : Mr.Kota Bhaskara Rao, CGSC.

CORAM:

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

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

contd...

O.A.No.595/95

JUDGEMENT

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

Heard Sri K.Venkateswarlu, learned counsel for the applicant and Sri K.B.Rao, learned counsel for the respondents.

2. The applicant plead that he was initially engaged as Casual Mazdoor on 1.4.82 and worked upto 30.9.85 under the control of the respondents 2 and 3 for 1009 days. Later on his services were terminated w.e.f. 1-10-85 and he was not re-engaged.

3. This O.A. has been filed praying for a declaration that the applicant is entitled for reengagement as Casual Mazdoor under the control of R-2 and 3 in terms of the instructions issued by the D.G., Telecom, and also as per Lr.No.TA/LC/1-2/III, dt. 21-10-1991 and No.TA/RE/Rlgs./Corr. dt. 22-2-93 issued by the Chief General Manager, Telecom, Doorsanchar Bhavan, Hyd. by holding that the action of the respondents in not reengaging him as illegal, arbitrary, discriminatory and violative of Art. 14 & 16 of the Constitution of India.


4. As per the details given by the applicant, he was not engaged from 1.10.1985. 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.

16

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, 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 2nd and 3rd 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 O.A. is ordered accordingly at the admission stage. No costs.


(R. Rangarajan)
Member (A)


(V. Neeladri Rao)
Vice Chairman

Dt. 9-5-95


J. S. Srinivas

kmv

To

1. The Chief General Manager, Telecommunications, A.P.Circle, Doorsanchar Bhavan, Nampally, Hyderabad.
2. The Telecom District Engineer, Medak District, Sangareddy.
3. The Sub Divisional Officer, Telecommunications, Sangareddy, Medak District.
4. One copy to Mr.K.Venkateswarulu, Advocate, CAT, Hyderabad.
5. One copy to Mr.K.Bhaskara Rao, CGSC, CAT, Hyderabad.
6. One copy to Library, CAT, Hyderabad.
7. One spare copy.

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TYPED BY
COMPAED BY

CHECKED 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 - 9 - 51995. ✓

ORDER/JUDGMENT:

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

O. A. No. 595/95ⁱⁿ

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.

