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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD

D.A. NO. 610/95

Between:

Date of Order: 16.5.95

J. Shyam Sundar

...Applicant.

And

1. The Chief General Manager, Telecommunications, A.P.Circles, Dept. of Telecommunications, Govt. of India, Hyderabad.
2. The Telecom District Engineer, Karimnagar District, Dept. of Telecommunications, Govt. of India, Karimnagar District (A.P).
3. The Sub Divisional Officer, Telecom, Dept. of Telecommunications, Karimnagar District (A.P).

...Respondents.

Counsel for the Applicant : Mr. P. Naveen Rao

Counsel for the Respondents : Mr. N. V. Raghava Reddy, Addl. CGSC.

CORAM:

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

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

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contd...

OA No.610/95

JUDGEMENT

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

Heard Sri P.N. Rao, learned counsel for the applicant and Sri N.V.R.Reddy. learned counsel for the respondents.

2. The applicant plead that he was initially engaged as Casual Mazdoor under the control of Respondents from 1.4.87 to 25.4.94 with intermittent break, and in all for 405 days, as per the details given in Annexure A-II filed along with this O.A., and thereafter he was no re-engaged.

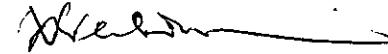
3. This O.A. has been filed praying for a declaration that the applicant is entitled for reengagement as Casual Mazdoor under the control of R-2 and 3 in terms of the instructions issued by the D.G., Telecom and also as per Lr.No.TA/LC/1-2/III dt.21.10.91 and No.TA/RE/Rlgs./Corr. dt.22.2.93 issued by the Chief General Manager, Telecom, Hyderabad by holding that action of the respondents is not reengaging him as illegal, arbitrary, discriminatory and violative of Art. 14 and 16 of the Constitution of India.

4. As per the details furnished by the applicant, he was not engaged from 26.4.94. 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.

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 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 2 and 3 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. No costs.


(R. Rangarajan)
Member (A)


(V. Neeladri Rao)
Vice Chairman

Dt. 16/10/85


Anil
DEPUTY REGISTRAR(J)

kmv

To

1. The Chief General Manager, Telecommunications, A.P.Circle, Dept. of Telecommunications, Govt. of India, Hyderabad.
2. The Telecom District Engineer, Karimnagar District, Dept. of Telecommunications, Govt. of India, Karimnagar District.
3. The Sub Divisional Officer, Telecom, Dept. of Telecommunications, Karimnagar District (A.P).
4. One copy to Mr.P.Naveen Rao, Advocate, CAT, Hyderabad.
5. One copy to Mr.N.V.Raghava Reddy, Addl.CGSC, CAT, Hyderabad.
6. One copy to Library, CAT, Hyderabad.
7. One spare copy.

YLKR

TYPED BY
CHECKED BY

COMPARED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

V.Neeladri Rao : V.C.
THE HON'BLE SHRI A.V.HARIDASAN: MEMBER (S)

R.Rangarajan
THE HON'BLE SHRI A.B.GORTHI: MEMBER (1)

DATED 16.5.95

ORDER/JUDGMENT

M.A.NO/R.P.NO./C.P.NO.

in

O.A.NO. 610/95

Admitted and Interim directions issued.

Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn

Dismissed for default

Rejected/Ordered.

No order as to costs.

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No Separate copy

