

(b)

THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

O.A.NO. 799/95

Date of Order: 19-9-95

Between:

V.J. Sundara Rao.

.. Applicant

and

1. The Sub Divisional Officer,
Telecommunications, Tadepalligudem(W.G.).
2. The Telecom Divisional Engineer,
Eluru(West Godavari).
3. The Telecom District Manager, W.G.Dist.
4. The Chief General Manager,
Triveni Buildings, Abids, Hyderabad.
5. The Union of India, rep. by its
Secretary, Dept.of Telecommunications,
New Delhi.

Respondents.

For the Applicant :- Mr. Y.Vijaykumar. Advocate.

For the Respondents: Mr. V.Bhimanna,
S/o/ Add. CGSC

CORAM:

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

THE HON'BLE MR.RARANGARAJAN : MEMBER(ADMN)

JUDGMENT

Heard Sri Y.Vijaya Kumar, learned counsel for the applicant and Sri V.Bheemanna, learned Standing Counsel for the respondents.

2. The applicant pleads that he was initially engaged as Casual Mazdoor under the control of respondents with effect from 12.8.1974. He had worked for 612 days till he was disengaged on 31.10.1980 as per the details furnished in page-7 of the material papers filed along with the O.A. The applicant was further engaged as casual mazdoor with effect from 1.4.1991 to 1.12.1991 for 269 days and again from 1.3.1992 to 1.10.1992 for 236 days. Thereafter his services were terminated and later he was not reengaged.

3. This OA has been filed praying for a declaration that the applicant is entitled for reengagement as Casual Mazdoor under the ~~control~~ of the respondents in terms of various instructions issued by the Director General, Telecommunication and also as per the Lr.No. TA/LC/1-2/III dt. 21.10.1991 and Lr.No.TA/RE/20-2/Rigs./ Corr dt. 22.2.1993 issued by R-4 by holding that the action of the respondents is not engaging him as illegal, arbitrary, discriminatory and violative of Articles 14 & 16 of the Constitution of India.

4. As per the details given by the applicant he was not engaged after 1.10.1992. 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 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 R-1 to reengage the applicant as Casual Mazdoor ~~after verifying the details furnished by the applicant in this O.A. 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.

Me
(R.Rangarajan)
Member (Admn.)

Neeladri
(V.Neeladri Rao)
Vice Chairman

Grh.

Dated 19th Sep., 1995.

Anil
Deputy Registrar (J)CC

To

1. The Sub Divisional Officer, Telecommunications, Tadepalligudem (W.G.Dist)
2. The Telecom Divisional Engineer, Engineer (W.G.Dist)
3. The Telecom District Manager, W.G.Dist.
4. The Chief General Manager, Triveni Buildings, Abids, Hyderabad.
5. The Secretary, Union of India, Dept. of Telecommunications, New Delhi.
6. One copy to Mr. Y. Vijaykumar, Advocate, CAT.Hyd.
7. One copy to Mr. V. Bhimanna, Addl. CGSC. CAT. Hyd.
8. One copy to Library, CAT. Hyd.
9. One spare copy.

pvm

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(ADMN)

DATED:- 19-01-1995.

ORDER/JUDGMENT.

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

in

O.A.No.

799/95

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.

