

(34)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH: AT  
HYDERABAD.

C.A.NO. 831/95.

DATE OF JUDGMENT: 24-07-95.

BETWEEN:

N. Gangaiah

.. Applicant.

AND

1. The Sub-Divisional Officer,  
Telecommunication, Kamareddy.
2. The Telecom District Engineer,  
Nizamabad.
3. The Chief General Manager,  
Telecommunication, Doorsanchar  
Bhavan, Hyderabad.

.. Respondents.

COUNSEL FOR THE APPLICANT: SHRI K.Venkateswara Rao

COUNSEL FOR THE RESPONDENTS: SHRI V.Bhimanna,  
Sr/Asst.CGSC.

CORAM:

HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN

HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

..2

J U D G M E N T

[ as per Hon'ble Sri R.Rangarajan, Member(Administrative) ]

Heard Sri K.Venkateswara Rao, 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 the respondents with effect from 1.1.1982 to 30.10.1986 for 1000 days and thereafter he was engaged from 1.12.1987 to 28.2.1988 and again from 1.2.1989 to 30.3.1989. His services were terminated with effect from 1.4.1989 and thereafter he was not re-engaged.

3. This OA has been filed praying for a declaration that the applicant is entitled for reengagement as Casual Mazdoor under the control of R-2 in terms of the various instructions issued by the Director General, Telecommunications dt. 21.10.1991 and Lr.No.TA/RE/20-2/Rlgs./Corr. dt. 22.2.1993 issued by the Chief General Manager, Telecommunications, Hyderabad by holding that the action of the respondents in not reengaging him as illegal, arbitrary, discriminatory and violative of Articles 14 & 16 of the Constitution of India.

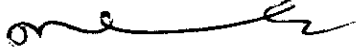
4. As per the details given by the applicant, he was not engaged from 1.4.1989. Hence, the question of condoning the break does not arise. As such, he is not eligible to claim seniority on the basis of his earlier service in different spells.

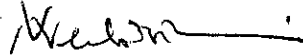
....3/-



4. 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 2nd respondent 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.

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

  
(R. Rangarajan)  
Member (Admn.)

  
(V. Neeladri Rao)  
Vice Chairman

Dated 24<sup>th</sup> July, 1995.

  
Deputy Registrar (J) CC

Grh.

To

1. The Sub Divisional Officer, Telecommunication, Kamareddy.
2. The Telecom Dist. Engineer, Nizamabad.
3. The Chief General Manager, Telecommunication, Doorsanchar Bhavan, Hyderabad.
4. One copy to Mr. K. Venkateswar Rao, Advocate, CAT. Hyd.
5. One copy to Mr. V. Bhimanna, Addl. CGSC. CAT. Hyd.
6. One copy to Library, CAT. Hyd.
7. One spare copy.

pvm.

THPED 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

A N D

THE HON'BLE MR. R. RANGARAJAN: (M(ADMIN))

DATED 26/7 1995.

ORDER/JUDGMENT:

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

in  
OA.No.

831/95

TA.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.

*No spare copy*

