

(19)

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

O.A.NO.851/95.

DATE OF JUDGMENT: 26-07-95.

BETWEEN:

K.L.Marianna

.. Applicant.

AND

1. The Chief General Manager,  
Telecom Doorsanchar Bhavan,  
Hyderabad.
2. The Assistant Engineer,  
Cross Bar Installation Telephone  
Exchange Building, Sec'bad.
3. The General Manager,  
Hyderabad Telecom District,  
Suryalok Complex, Hyderabad.

.. Respondents.

COUNSEL FOR THE APPLICANT: SHRI K. Venkateswara Rao

COUNSEL FOR THE RESPONDENTS: SHRI V.Bhimanna,  
\*x/Adcl.CGSC.

CORAM:

HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN  
HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

O.A.No.851/95.

Dt. of decision: 26-7-1995.

JUDGEMENT

{ As per the Hon'ble Sri R. Rangarajan, Member (A) }

Heard the counsel for both the parties.

2. The applicant pleads that he was initially engaged as casual Mazdoor under the control of the respondents w.e.f. 1-5-86 to 30-4-87 with artificial breaks for more than 350 days. His services were terminated w.e.f. 1-5-87 and thereafter 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 in terms of the instructions issued by the D.G., Telecommunications, 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, Telecommunication, Doorsanchar Bhavan, Hyderabad by holding that the action of the respondents in not reengaging him as illegal, arbitrary, discriminatory and violative of Articles 14 and 16 of the Constitution of India.

4. As per the details given by the applicant, he was not engaged from 1-5-1987. Hence, the question of condoning the breaks 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 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 O.A. is ordered accordingly at the admission stage itself. No costs.

*[Signature]*

(R. Rangarajan )  
Member (A)

*[Signature]*

( V. Neeladri Rao )  
Vice Chairman

Dated

26-7-95

*[Signature]*  
Deputy Registrar (J)CC

To

1. The Chief General Manager,  
kmv Telecom Doorsanchar Bhavan,  
Hyderabad.
2. The Assistant Engineer, Cross Bar Installation  
Telephone Exchange Building,  
Secunderabad.
3. The General Manager, Hyderabad Telecom Dist.  
Suryalok Complex, 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.

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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 (ADMN))

DATED 26/7 1995.

~~ORDER~~/JUDGMENT:

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

OA.No. in

851/95

TA.No.

(W.P.)

Admitted and Interim directions  
issued.

Allowed.

Disposed of with directions.

Dismissed. at the admission stage

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

No. order as to costs.

*no spare copy*

