

14

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD
O.A.NO.891 of 1995.

Between

Dated: 7.8.1995 .

Uppada Jaganadha Rao

...

Applicant

And

1. The Sub Divisional Officer, Telecom, Palasa, Srikakulam Dist.
2. The Telecom District Engineer, Srikakulam.
3. The Chief General Manager, Telecom, A.P.Circle, Hyderabad.

...

Respondents

Counsel for the Applicant

: Sri. M.Kesava Rao

Counsel for the Respondents

: Sri. N.V.Ramana, Addl. CGSC.

CORAM:

Hon'ble Mr. Justice V.Neeladri Rao, Vice Chairman

Hon'ble Mr. R.Rangarajan, Administrative Member

Contd:...2/-

(15)

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O.A.No.891/95.

Date: 7-8-1995.

J U D G M E N T

I as per Hon'ble Sri R.Rangarajan, Member(Administrative) X

Heard Sri M.Kesava Rao, learned counsel for the applicant and Sri N.V.Ramana, 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 1.8.1984 to 30.6.1984 and thereafter he was engaged from 4.5.1990 to 31.7.1991. His services were terminated with effect from 1.8.1991 and later he was not re-engaged. The details of his engagement are shown in Annexures IV-and V filed along with the O.A.

3. This OA has been filed praying for a declaration that the applicant is entitled for reengagement as a Casual Mazdoor under the control of the Telecom District Engineer, Srikakulam in terms of the instructions issued by the Director General, Telecommunications and R-3 dated 22.2.1993 by holding that the action of the respondents in not reengaging him as illegal, arbitrary, discriminatory and violative of articles of 14 & 16 of the Constitution of India.

4. As per the details given by the applicant, he was not engaged after 1.8.1991. 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.

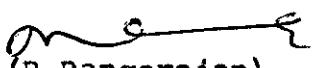
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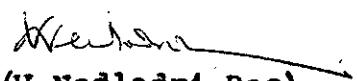
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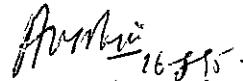
5. In view of what is stated by the applicant, it has to be presumed that he had gained some experience in the work in the Telecom Department. So, it is in the interest of the department, if he is engaged in preference to a fresher whenever work is available. So, the only relief that can be granted is 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.

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


(R. Rangarajan)
Member (Admn.)


(V. Nedladri Rao)
Vice Chairman

Dated 7th Aug., 1995.


Dy. Registrar (Jud1)

Grh.

Copy to:-

1. The Sub-Divisional Officer, Telecom, Palasa, Srikakulam District.
2. The Telecom District Engineer, Srikakulam.
3. The Chief General Manager, Telecom, A.P. Circle, Hyderabad.
4. One copy to Mr. M. Kesava Rao, Advocate, 5-59/1, Bhavaninagar, Dilsukhnagar, Hyderabad.
5. One copy to Mr. R. Rangarajan, N. V. Ramana, Addl. CGSC, CAT, Hyderabad.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

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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 7/8 1995.

ORDER/JUDGMENT:

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

in

OA.No.

891/95

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 Space Copy

