

(21)

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

C.A.NO. 905/95

DATE OF JUDGMENT: 09-08-95.

BETWEEN:

P. Venkateswarlu .. 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 K. Ramulu,  
Sx/Addl.CGSC.

CORAM:

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

*[Handwritten signature]*

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O.A.No.905/95

Dt: of order: 9-8-1995.

JUDGEMENT

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

Heard the counsel for both the parties.

2. The applicant pleads that he was initially engaged as Casual Mazdoor under the control of respondents w.e.f. 3.2.85 to 14.5.86 with breaks for about 380 days. Thereafter his services were terminated and later 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 the Telecom Dist. Engineer, Nizamabad 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 R-3 by holding that the action of the respondents in not reengaging him as illegal, arbitrary, discriminatory and violative of Art. 14 and 16 of the Constitution of India.
4. As per the details given by the applicant, he was not engaged after 30.4.89 for any considerable period. 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 is to be presumed that he had gained some experience in the work of the Telecom Department. So, it is in the interest



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of the department, if he 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 reengage 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./

*[Handwritten Signature]*

(R. Rangarajan)  
Member (A)

*[Handwritten Signature]*

(V. Neeladri Rao)  
Vice Chairman

Dt. 9.8.95

*[Handwritten Signature]*  
11-85  
Dy. Registrar (Judl)

kmv

Copy to:-

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

With O.A. Com.

kku.

*[Handwritten mark]*

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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 (ADMN))

DATED 9-8 1995.

~~ORDER/JUDGMENT.~~

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

OA.No.

In

905/95

TA.No.

(W.P.)

Admitted and Interim directions  
issued.

Allowed.

Disposed of with directions. *At the*

Dismissed.

*Admitted at  
Stage*

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

No. order as to costs.

*[Signature]*  
11/8/95

No Spare Copy

Central Administrative Tribunal  
DESPATCH  
17 AUG 1995 NSP  
HYDERABAD BENCH

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