

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD
HYDERABAD.

C.A. NO. T 952/95

BENCH: AT

DATE OF J.

17-8-95

BETWEEN:

G. Bixam.

and

.. Applicant.

1. The Sub Divisional Officer, Telecommunications, Nalgonda.
2. The Telecom District Engineer, Nalgonda.
3. The Chief General Manager, Telecommunication, Doorsanchar Bhavan, Hyderabad.

.. Respondents.

COUNSEL FOR THE APPLICANT: SHRI K. Venkateswar Rao.

COUNSEL FOR THE RESPONDENTS: SHRI K. Bhaskar Rao,
XX/Addl. CGSC.

CORAM:

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

JUDGMENT

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

Heard Sri K.Venkateswara Rao, learned counsel for the applicant and Sri K.Bhaskara Rao, 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 1.6.1982 to 26.12.1985 and thereafter from 13.8.1988 to 15.10.1988 as per the details given in Annexure-I filed along with the O.A. His services were terminated with effect from 16.10.1988 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 District Engineer, Nalgonda in terms of the instructions issued by the Director General, Telecommunication as per letter No. TA/LC/1-2/III dt. 21.10.1991 and also as per Lr.No.TA/RE/20-2/Rlgs./Corr dt. 22.2.1993 issued by R-3 by holding that the action of the respondents is not re-engaging him as illegal, arbitrary, discriminatory and ~~unconstitutional~~ of Articles 14 & 16 of the Constitution of India.

4. As per the details given by the applicant, he was not engaged after 16.10.1988. Hence, the question of condoning the break does not arise. As such he is not eligible to claim seniority on the basis of his

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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.

6. The OA is ordered accordingly at the admission

me
(R.Rangarajan)
Member(Admn.)

Neeladri
(V.Neeladri Rao)
Vice Chairman

Dated 17 th Aug., 1995.

Arif 21-85
Deputy Registrar(J)CC

Grh.

TO

1. The Sub Divisional Officer, Telecommunications, Nalgonda.
2. The Telecom District Engineer, Nalgonda.
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. K.Bhaskar Rao, Addl.CGSC.CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

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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 17/8 1995.

ORDER/JUDGMENT:

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

in
OA.No.

952/95

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

