

(2)

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

C.A.NO. 1122/95.

DATE OF JUDGMENT: 26-09-95.

BETWEEN:

R.Malliah

.. Applicant.

Vs

1. The Sub Divisional Officer,
Telecommunication, Peddapalli.
2. The Telecom District Engineer,
Karimnagar.
3. The Chief General Manager,
Telecommunication, Deersanchar
Bhavan, Hyderabad.
4. The Sub Divisional Officer,
Karimnagar.

.. Respondents.

COUNSEL FOR THE APPLICANT: SHRI K. Venkateswara Rao,

COUNSEL FOR THE RESPONDENTS: SHRI N.R. Devaraj,
Sr/Asstt.CGSC.

CORAM:

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

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

O.A.No.1122/95.

Date: 16-9-1995.

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 N.R.Devaraj, 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 1.5.1985 to 30.9.1986 and again from 1.4.1990 to 31.10.1990 as per the details furnished in Annexure-I filed along with the O.A. His services were terminated with effect from 1.11.1990 and thereafter he was not re-engaged.

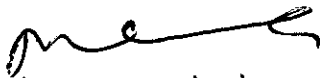
3. This OA has been filed praying for a declaration that the applicant is entitled for reengagement as Casual Mazdoor under the control of the respondents in terms of the various instructions issued by the Director General, dt. 21.10.1991 and Lr.No.TA/RE/20-2/Rlgs./Corrd. dt.22.2.199 issued by the Chief General Manager, Telecommunications, Hyderabad by holding 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 1.11.1990. 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.

24

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 R-2 to reengage the applicant as casual Mazdoor in preference to ~~any~~ ^{there is} work, after checking the details furnished by the applicant in this O.A. 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 (Adm.)


(V. Neeladri Rao)
Vice Chairman

Dated th 26 Sep., 1995.


DEPUTY REGISTRAR (J)

Grh.

To

1. The Sub Divisional Officer, Telecommunication, Paddapalli.
2. The Telecom District Engineer, Karimnagar.
3. The Chief General Manager, Telecommunication, Dooranchar Bhavan, Hyderabad.
4. The Sub Divisional Officer, Karimnagar.
5. One copy to Mr. K. Venkateswar Rao, Advocate, CAT, Hyderabad.
6. One copy to Mr. N. R. Devraj, Sr. CGSC, CAT, Hyderabad.
7. One copy to Library, CAT, Hyderabad.
8. One spare copy.

YLKR

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COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRIRAO
VICE CHAIRMAN

AND

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

DATED: 26-9-1995

~~ORDER~~/JUDGMENT

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

in

O.A.No. 1122/95

T.A.No. (W.P.No.)

Admitted and Interim directions
Issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Ordered/Rejected.

No order as to costs.

pvm.

No Spare Copy ✓
Central Administrative Tribunal
DESPATCH
13 OCT 1995 NBY
HYDERABAD BENCH.