

(24)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

O.A.NO. 1011/95.

Date of Order: 31-8-95

Between:

G.Bhaskar.

... Applicant

and

1. The Assistant Engineer,
Cross Bar Installation,
Nizamabad.
2. The Telecom District,Engineer,
Nizamabad.
3. The Chief General Manager,
Telecommunication,
Doorsanchar Bhavan, Hyderabad.

Respondents.

For the Applicant :- Mr. K.Venkateswar Rao, Advocate

For the Respondents: Mr. N.V.Raghava Reddy,
xx./Add.CGSC

CORAM:

THE HON'BLE MR.JUSTICE V.NEELADRI RAO : VICE-CHAIRMAN

THE HON'BLE MR.RARANGARAJAN : MEMBER(ADMN)

21/8

84

O.A.No.1011/95.

Date: 21-8-1995.

JUDGMENT

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

Heard Sri K.Venkateswara Rao, learned counsel for the applicant and Sri N.V.Raghava Reddy, learned Standing Counsel for the respondents.

2. The applicant herein pleads that he was initially engaged as Casual Mazdoor under the control of the respondents with effect from 19.8.1985 to 31.10.1987, and thereafter he was engaged from 1.12.1988 to 31.1.1989.

~~His services~~ were terminated with effect from 1.2.1989 and later he was not re-engaged. The details of his engagement as Casual Mazdoor are furnished in Annexure-I filed along with the O.A.

3. This OA has been filed praying for a declaration that the applicant is entitled for reengagement as Casual Mazdoor under the control of Telecom District Engineer, Nizamabad (R-2) in terms of the instructions issued by the Director General, Telecommunications and also as per Lr.No.TA/IC/1-2/III dt. 21.10.1991 and Lr.No.TA/RE/20-2/RIGS/ Corr. dt. 22.2.1993 issued by the Chief General Manager, Telecommunications, Hyderabad (R-1) 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 after 1.2.1989. 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.

...3/-

26

: 3 :

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 after verifying the service particulars as indicated in this OA. 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.

one
(R.Rangarajan)
Member(Admn.)

Neeladri
(V.Neeladri Rao)
Vice Chairman

Dated 31st Aug., 1995.

Anil
Deputy Registrar (J) CC

To

1. The Assistant Engineer,
Cross Bar Installation, Nizamabad.
2. The Telecom Dist.Engineer, Nizamabad.
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.N.V.Raghava Reddy, Addl.CGSC.CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

pvm

Partha
11/95

TYPED BY

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

and

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

DATED:- 31- 8-1995.

ORDER/JUDGMENT.

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

in

O.A.No. 1011/95

T.A.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.

pvm.

No Space Copy

