

(16)

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

O.A. 140/95.

Dt. of Decision : 7-2-95.

1. Chitacala Ramu
2. Ch.Rama Murthy
3. Ch.Trimurthulu
4. G.S.Rama Linga Swami
- 5.

.. Applicants.

Vs

1. Sub Divisional Officer,  
Telecom., K.D.Peta Road,  
Near Singh Doctor Hospital,  
Narsipatnam, Visakhapatnam.
2. Divisional Engineer,  
Telecom., Maintenance-IV,  
Narasinga Rao Peta,  
Anakapalli.
3. Telecom. District Manager,  
Lalitha Colony, Dabagardens,  
Visakhapatnam.

.. Respondents.

Counsel for the Applicants : Mr. K.L.Narasimham

Counsel for the Respondents : Mr. K.Bhaskara Rao, Addl.CGSC.

CORAM:

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

THE HON. JUDGE

MEMBER (ADMN.)

J U D G M E N T

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

Heard Sri K.L.Narasimham, learned Counsel for the applicants and Sri K.Bhaskara Rao, learned Counsel for the respondents.

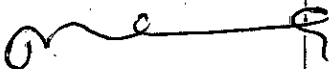
2. The applicants 1 to 4 herein plead that they were initially engaged as Casual Mazdoors under the control of the respondents with effect from 3-11-89 to 30.11.89; 8-2-1989 to 28-2-1989; 1-8-1989 to 31-8-1989; and 1-9-1989 to 30-9-1989 respectively and thereafter they were engaged periodically during the periods mentioned in page-6 to 9 filed along with OA as material papers in respect of each applicant. The services of applicants 1 to 3 were terminated on 31.12.1993 and in respect of 4th applicant his services were terminated on 31-1-1992 and later they were not re-engaged. This OA has been filed praying for a ~~direction to the~~ respondents to take the applicants into service by declaring the action of respondents in terminating their services as illegal, violative of Articles 14 & 16 of the Constitution of India.

3. As per the details given by the applicants, applicants 1 to 3 were not engaged after 31-12-1993 and applicant No.4 was not re-engaged after 31-1-1992. Hence, the question of condoning the break does not arise. As such, they are not eligible to claim seniority on the basis of their earlier service in different spells.

4. In view of what is stated by the applicants, it has to be presumed that they have gained some experience in the work in the Telecom department. So, it is in the interest of the department, if they are engaged in preference

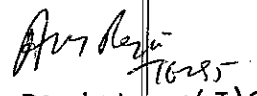
to a fresher whenever work is available. So the only relief that can be granted is to direct the respondents to re-engage the applicants as Casual Mazdoors ~~in~~ in preference to freshers whenever there is work. If the applicants are going to be engaged in pursuance of this order, none shall be retrenched who are already in service.

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

  
(R. Rangarajan)  
Member (Admn.)

  
(V. Neeladri Rao)  
Vice-Chairman

Dated 7<sup>th</sup> February, 1995.

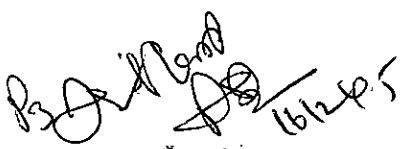
  
Deputy Registrar (J) CC

Grh.

To

1. The Sub Divisional Officer,  
Telecom, K D. Peta Road,  
Near Singh Doctor Hospital, Narsipatnam,  
Visakhapatnam.
2. The Divisional Engineer, Telecom,  
Maintenance-IV Narasinga Rao peta, Anakapalli.
3. The Telecom. Dist. Manager, Lalitha Colony,  
Dabagardens, Visakhapatnam.
4. One copy to Mr. K. L. Narasimham, Advocate, CAT. Hyd.
5. One copy to Mr. K. Bhaskara Rao, Addl. CGSC. CAT. Hyd.
6. One copy to Library, CAT. Hyd.
7. One spare copy.

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16/2/95

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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(ADMIN)

DATED: 7-2-1995

ORDER/JUDGMENTN:

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

in

O.A.No.

140/95

T.A.No.

(w.p.)

Admitted and Interim directions  
issued.

Allowed.

Disposed of with directions. *of the*  
Dismissed. *along with admission stage*  
Dismissed as withdrawn *of a copy.*  
Dismissed for default.  
Ordered/Rejected

No order as to costs.

Central Administrative Tribunal  
DESPATCH  
20 FEB 1995  
HYDERABAD BENCH.

*16/2/95*  
*no spare copy*

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