

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A. 171/95.

Dt. of Decision : 14-2-95.

U. Shanker

.. Applicant.

vs

2. The Sub Divisional Officer, Telecommunications, Armoor, Nizamabad District.
2. The Telecom District Engineer, Nizamabad.
3. The Chief General Manager, Telecommunication, Doorsanchar Bhavan,

.. Respondents.

Counsel for the Applicant : Mr. K. Venkateswara Rao

Counsel for the Respondents : Mr. N.R. Devaraj, Sr. CGSC.

CORAM:

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

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

O.A.No.171/95

Dt. of decision: 14-2-1995.

JUDGEMENT

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

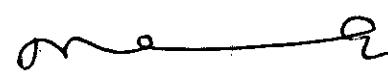
Heard.

2. The applicant pleads that he was initially engaged as Casual Mazdoor under the control of the respondents w.e.f. 3.4.80 to 28.2.82, 1.11.84 to 31.3.85, 1.10.86 to 31.1.89, and again from 1.12.88 to 30.4.89, and thereafter he was disengaged, and he was not re-engaged. The court held in its judgment that the applicant is entitled for re-engagement as Casual Mazdoor under the control of the Telecom District Engineer, Nizamabad in terms of the instructions issued by the Director General, Telecommunication and also as per Lr. No. TA/LC/1-2/III, dt. 21.10.91 and T.A./RE/Rlgr/Corr., dt. 22.2.93 issued by R-3 by holding that the action of the respondents is not re-engaging him as illegal, arbitrary, discriminatory and violative of Articles 14 and 16 of the Constitution of India.

3. As per the details given by the applicant, he was not engaged after 30.4.1989 for any considerable period. 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.

4. 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.

5. The OA is ordered accordingly at the admission stage ~~stage 100011. No copies.~~

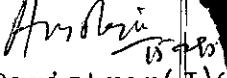

(R. Rangarajan)

Member (A)


(V. Neeladri Rao)

Vice Chairman

Dt. 14 -2-1995.


Deputy Registrar (J)

To:

1. The Sub Divisional Officer, Telecommunications, kmv Armoor, Nizamabad Dist.
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. R. Devraj, Sr. CGSC. CAT. Hyd.
6. One copy to Library, CAT. Hyd.
7. One spare copy.

pvm

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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

AND

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

DATED: 16-2-1995

ORDER/JUDGEMTN:

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

in

O.A.No.

171/95

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.

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