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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. No. 180/95.

Dt. of Decision : 14-02-95.

P. Pentaiah

.. Applicant.

Vs

1. The Sub-Divisional Officer,
Phones, Nizamabad.
2. The Telecom District Engineer,
Nizamabad.
3. The Chief General Manager,
Telecommunication, Doorsanchar
Bhavan, Hyderabad.

.. 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.180/95

Dt. of decision: 14-2-1995.

JUDGEMENT

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

Heard.

2. The applicant pleads that he was initially engaged as Casual Mazdoor under the control of the respondents w.e.f. 1.11.87 to 31.7.89 with artificial breaks and thereafter he was disengaged, and he was declared for a declaration 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 D.G., Telecommunication and also as per Lr. No. TA/LC/1-2/III, dated 21-10-1991 and T.A/RE/Rlgr/Corr., dated 22-2-93 issued by R-3 by holding that the action of the respondents in not reengaging him as illegal, arbitrary, discriminatory and violative of Articles 14 & 16 of the Constitution of India.

3. As per the details given by the applicant, he was not engaged after 31.7.89 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.

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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 the order, he will be retrenched who are already in service.

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

(R. Rangarajan)
Member (A)

(V. Neeladri Rao)
Vice Chairman

Dt. 14 -2-1995.

Pradip
Deputy Registrar(J)CC

To kmv

1. The Sub Divisional Officer, Phones, 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.R.Devraj, Sr.CGSC.CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

pvm

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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

AND

THE HON'BLE MR. JUSTICE

DATED: 14-2-1995

ORDER/JUDGMENTN:

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

in

O.A.No.

180/95

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.

No. Sparecopy

