

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA.206/95

dt. 22-2-95

Between

Up. Papa Rao .. Applicant

and

1. The Circle
Telecom, Andhra Circle
Doorsanchar Bhavan
Nampally, Hyderabad

2. The Divnl. Engr.
Telecom, Guntur

3. The Sub Divnl. Officer
Telecommunications
Guntur

.. Respondents

Counsel for the applicant :: K. Venkateswaran, Esq.
Advocate

Counsel for the respondents :: N.V. Ramana, Esq.
Central Govt.

CORAM

HON. MR. JUSTICE V. NEELADRI RAO, VICE CHAIRMAN
HON. MR. R. RANGARAJAN, MEMBER (ADMN.)

O.A. No. 206/95.

Dt. of decision: 21-2-1995.

JUDGEMENT

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

Heard.

2. The applicant pleads that he was appointed as a permanent Mazdoor from 10.7.73 to 13.11.89 with intermittent breaks under the control of the respondents. Thereafter his services were terminated and later he was not reengaged. This OA has been filed praying for a declaration that the applicant is entitled to permanent Mazdoor under the control of S.D.O.T., Guntur in terms of instructions issued by the D.G., Telecommunications and also as per Lr. No.TA/LC/1-2/III, dt. 21.10.91 and No.TA/RE/Rlgr/Corr., dt. 22.2.93 issued by R-1 by holding that 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.

3. As per the details given by the applicant, he was not engaged after 13.11.89 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.

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 accordance 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.

done

(R. Rangarajan)
Member (A)

Neeladri
(V. Neeladri Rao)
Vice Chairman

Dt. 2 -2-1995.

kmv

Copy to:-

1. The Chief General Manager, Telecommunications, *OA*, Andhra Circle, Doosanchar Bhavan, Nampally, Hyd.
2. The Divisional Engineer, Telecommunications, Guntur.
3. The Sub-Divisional Officer, Telecommunications, Guntur.
4. One copy to Mr. K. Venkateswarlu, Advocate, CAT, Hyd. *xxx*
5. One copy to Mr. N. R. Devaraj, Sr. CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare.

xxx K. Venkateswarlu, Advocate, 16-11-359/3, Opp: Post Office, Moosarambagh, Hyderabad.
kku.

Prof. B. S. 2-11-95

OF 206/95

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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.R.RANGARAJAN : M(ADMN)

DATED: 22-2-1994

ORDER/JUDGEMTN:

M.A./R.A/C.A. No. →

in
O.A.No. 206/95

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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