

(17)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
HYDERABAD

DATED 22-2-95

O.A. No. 214/95

Between

1. A. Vijaya Kumar,

2. B. Sudhakar

3. N. Chandraiah

Applicants

And

1. The Chief General Manager
Telecommunications, A.P. Circle,
Doorsanchar Bhavan, Hyderabad.

2. The Telecom District Engineer,
Nizamabad District, Nizamabad.

3. The Sub-Divisional Officer,
Telecommunications, Kamareddy,
Nizamabad District

Respondents

Counsel for the Applicants : Shri K. Venkateswarlu

Counsel for the Respondents : Shri N. R. Devarao

Coram

Hon'ble Justice Shri V. Neeladri Rao, Vice-Chairman

Hon'ble Shri R. Rangarajan, Member (Admn.)

JUDGMENT

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

Heard.

2. The applicants numbering 3 herein plead that they were appointed as Casual Mazdoors under the control of respondents with effect from 1.2.1987, 6.10.1978 and 20.9.1987 respectively and were engaged till 31.8.1989, 31.7.1981 and 31.8.1989 ^{Reengaged} with intermittent breaks as per the details furnished vide Annexures-I to III with this O.A. Thereafter their services were terminated and later they were not reengaged. This OA has been filed praying for a declaration that the applicants are entitled for reengagement as Casual Mazdoor under the control of SDOT, Kamareddy, Nizamabad District in terms of the instructions issued by the D.G., Telecommunications and also as per Lr.No.TA LC/1-2/ III dt. 21.10.1991 and No.TA/RE/Rlgr/Corr. dt.22.2.1993 issued by R-1 holding that the action of the respondents in not reengaging them as illegal, arbitrary, discriminatory and violative of Articles 14 & 16 of the Constitution of India.

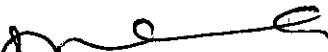
3. As per the details given by the applicants, they were not engaged after 31.8.1989, 31.7.1981 and 31.8.1989 respectively. Hence, the question of condoning the break does not arise. As such, they are not eligible to claim seniority on the basis of their earlier service in different spells.

....3/-

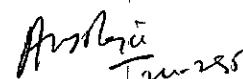
D

4. In view of what is stated by the applicants, it has to be presumed that they had 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 3rd respondent to re-engage the applicants as Casual Mazdoor 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 2nd February, 1995.

Grh.

Dy. Registrar (Jud1)

Copy to:-

1. The Chief General Manager, Telecommunications, A.P. Circle, Deorsanchar Bhavan, Hyderabad.
2. The Telecom District Engineer, Nizamabad District, Nizamabad.
3. The Sub-Divisional Officer, Telecommunications, Kamareddy, Nizamabad District.
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 Sri K. Venkateswarlu, Advocate, 16-11-369/3,
Opp: Post Office, Moosarambagh, Hyd.


2012-46

OA. 214/95

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: ~~20/2/95~~ - 1994
~~20/2/95~~

ORDER/JUDGEMTN:

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

in

O.A.No. ~~20/2/95~~ ~~214/95~~

T.A.No. ~~(w.p.)~~

Admitted and Interim directions issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn

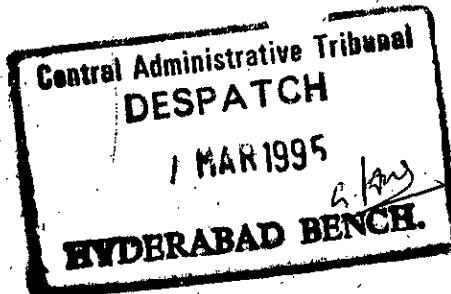
Dismissed for default.

Ordered/Rejected

No order as to costs.

NO SPARE COPY

PVM



Zuhls