

(24)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH

AT HYDERABAD

O.A.NO.231/95

Date of Order: 23-2-95

K.Prabhu Rao.

.. Applicant.

Vs.

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

.. Respondents.

For the Applicant: Mr. K.Venkateswar Rao, Advocate

For the Respondents: Mr. N.R.Devraj, Sr.CGSC.

CORAM:

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

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

J U D G M E N T

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

Heard Sri K.Venkateswara Rao for for applicant and
Sri N.R.Devaraj, learned Standing Counsel for the respondents.

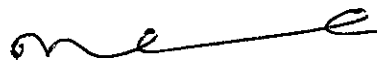
2. The applicant pleads that he was initially engaged as Casual Mazdoor under the control of the respondents with effect from 1.2.1982 to 31.8.1984 and thereafter he was engaged periodically i.e. from 1.12.1986 to 31.3.1987 and from 1.11.1988 to 30.4.1989. Thereafter his services were terminated and later he was not re-engaged. This OA has been filed praying for a declaration that the applicant is entitled for reengagement 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 the Letter No.TA/LC/1-2/III dt. 21.10.1991 and No.TA/RE/20-2/Rlgs./Cofr. dt. 22.2.1993 issued by R-3 by holding that the action of the respondents in not reengaging him as illegal, arbitrary and violative of Articles 14 & 16 of the Constitution of India.

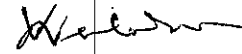
3. As per the details given by the applicant, he was not engaged after 30.4.1989. Hence, the question of condoning the break does not arise. As such, he is not eligible to claim seniority on the basis of his earlier service in different spells.

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 R-2 to reengage 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 itself. No costs.


(R. Rangarajan)
Member (Admn.)


(V. Neeladri Rao)
Vice Chairman

Dated 23rd February, 1995.

Grh.


Deputy Registrar (J) CC

To

1. The Sub Divisional Officer,
Telecommunications, Kamareddy, Nizamabad Dist.
2. The Telecom District 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.

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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: 23-2-1995

ORDER/JUDGMENT:

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

in

O.A.No.

231/95

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.

Dvm

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