

18

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A. 286/95.

Dt. of Decision : 13-3-95.

D. Laxma Reddy

.. Applicant.

VS

1. The Telecom District Engineer,
Medak, Medak District.
2. The Sub Divisional Officer,
Telecom, Medak, Medak District.
3. The Chief General Manager,
Telecommunications, Doosanchar Bhavan,
Nampally Station Road, Hyderabad. .. Respondents.

Counsel for the Applicant : Mr. Ch.Jagannatha 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.286/95

Dt. of decision: 10-3-1995.

JUDGEMENT

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

Heard Sri Ch. Jagannatha Rao, learned counsel for the applicant and Sri N.R. Devaraj, learned counsel for the respondents.

2. The applicant herein submits that he was initially engaged as Casual Mazdoor under the control of the respondents w.e.f. 1-7-88 to 31-3-89 and thereafter his services were terminated and later he was not re-engaged. This OA has been filed for a declaration that the applicant is entitled for re-engagement as Casual Mazdoor under the control of S.D.O.T., Medak in terms of the instructions issued by the Director General, Telecommunications and also as per Lr.No.TA/LC/1-2/III, dt. 21.10.91 and No.TA/RE/Rlgs/Corr., dt.22.2.93 issued by R-3 by holding that the action of the respondents in not re-engaging him as illegal, discriminatory and arbitrary and violative of Art. 14 and 16 of the Constitution of India.

3. As per the details given by the applicant in Annexure-I filed along with OA he was not engaged after 31.3.89. Hence, the question of condoning the break does not arise. As such, he is

20

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 itself. No costs. /

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(R. Rangarajan)
Member (A)

Neeladri

(V. Neeladri Rao)
Vice Chairman

Dt. 13 -3-1995.

Amulya
Deputy Registrar (J) CC

To

kmv

1. The Telecom Dist. Engineer, Medak, Medak Dist.
2. The Sub Divisional Officer, Telecom, Medak, Medak Dist.
3. The Chief General Manager, Telecommunications, Doorsanchar Bhavan, Nampally Station Road, Hyderabad.
4. One copy to Mr. Ch. Jagannatha 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. NEEELADRI RAO
VICE- CHAIRMAN

AND

THE HON'BLE MR. R. RANGARAJAN, M(ADMN)

DATED - 13 - 3 1995.

ORDER/JUDGMENT:

M. A. / R. A. / C. A. NO.

O. A. No. 286/95. in

T. A. No. (W. P.)

Admitted and Interim directions issued.

Allowed.

Disposed of with directions.

Dismissed. along with copy

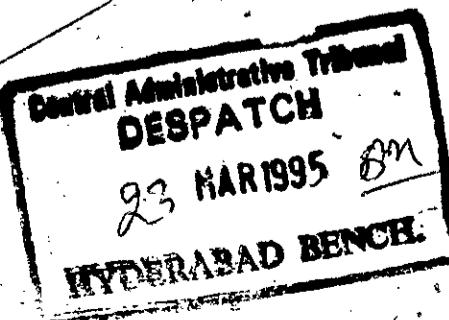
Dismissed as withdrawn

Dismissed for default.

Ordered/Rejected.

No. order as to costs.

No. spare copy



20/3/95