

(13)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : AT HYDERABAD

OA 319/95.

Dt. of Order:14-3-95.

M.Hanma

Vs.

... Applicant

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.

* * *

Counsel for the Applicant : Shri K.Venkateswarlu

Counsel for the Respondents : Shri N.R.Devaraj, Sr.CGSC

* * *

CORAM:

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

THE HON'BLE SHRI R.RANGARAJAN : MEMBER (A)

* * *

... 2.

JUDGMENT

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

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

2. The applicant herein submits that he was engaged as Casual Mazdoor under the control of the respondents with effect from 1.1.1987 and worked upto 31.8.1989 as per Annexure-I filed along with the O.A. Thereafter his services were terminated and later he was not reengaged.

This OA has been filed for a declaration that the under the control of Telecom District Engineer, Nizamabad in terms of the instructions issued by the Director General, Telecommunications and also as per letter No.TA/LC/1-2/ III dt. 31.10.1991 and No.TA/RE/Rlgs/Corr. dt. 22.2.1993 issued by R-1 by holding that the action of the respondents in not re-engaging him as illegal, discriminatory and arbitrary and violative of Articles 14 & 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 31.8.1989. 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

(B)

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.

stage itself. No costs.

one
(R. Rangarajan)
Member (Admn.)

Neeladri
(V. Neeladri Rao)
Vice Chairman

Dated 14th March, 1995.

Grh.

Anil Rao (16-3-95)
Dy. Registrar (Judl)

To,
1. Doorsanchar Bhavan, Hyderabad. B15a
A.C.C. ~~two copies~~
2. The Telecom District Engineer, Nizamabad District, Nizamabad.
3. The Sub-divisional Officer, Telecommunications, Kamareddy,
Nizamabad District.
4. K. Venkateswarlu. Advocate. H.No.16-11-359/3, Opp. Post office.
Moosarambagh. Hyderabad.-36.
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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(16-3-95)

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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 - 14-3 1995.

ORDER/JUDGMENT:

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

O. A. No.

in

T. A. No.

319/95

(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

14-3-95

Central Administrative Tribunal
DESPATCH
22 MAR 1995
HYDERABAD BENCH