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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH
AT HYDERABAD

O.A.NO. 330 of 1995.

Between

Dated:16.3.1995.

1. A.Nageswara Rao

2. P.Appa Rao

...

Applicants

And

1. The Sub Divisional Officer, Telecom, Srikakulam.

2. The Divisional Engineer, Telecom, Srikakulam.

3. The Chief General Manager, Telecommunications, A.P.Hyd.

...

Respondents

Counsel for the Applicants : Sri. M.Keshava Rao

Counsel for the Respondents : Sri. N.V.Raghava Reddy,
Addl. CGSC.

CORAM:

HON'BLE MR. JUSTICE V. NEELADRI RAO, VICE CHAIRMAN

HON'BLE MR. R. RANGARAJAN, ADMINISTRATIVE MEMBER

Contd:....2/-

J U D G M E N T

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

Heard Sri M.Keshava Rao, learned Counsel for the applicants and Sri N.V.Raghava Reddy, learned Standing Counsel for the respondents.

2. The applicants numbering two herein plead that they were engaged as Casual Mazdoors on 1.5.1985 and 1.6.1985 respectively under the control of the respondents, and worked till 30.9.1988 when their services were terminated. The applicants were not re-engaged after 30.9.1988.

3. This OA has been filed praying for a declaration that the applicants ^{are} entitled for reengagement as Casual Mazdoor under the control of the Sub-Divisional Officer, Telecom, Srikakulam in terms of the instructions issued by the Director General, Telecommunication and also as per Lr.No.TA/LC/1-2/III dt. 21.10.1991 and No.TA/RE/Rlgs/Corr. dt. 22.2.1993 issued by R-3 by holding that the action of the respondents in not re-engaging them as illegal, discriminatory, arbitrary and violative of Articles 14 & 16 of the Constitution of India.

4. As per the details given by the applicants, they were not engaged after 30.9.1988. 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.

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 freshers whenever work is available. So, the only relief that can be granted is to direct the 1st respondent to re-engage the applicants as Casual Mazdoors 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.

[Signature]
(R. Rangarajan)
Member (Admn.)

[Signature]
(V. Neeladri Rao)
Vice Chairman

Dated 16th March, 1995.

Grh.

[Signature]
Deputy Registrar (Judl.)

Copy to :-

1. The Sub Divisional Officer, Telecom, Srikakulam.
2. The Divisional Engineer, Telecom, Srikakulam.
3. The Chief General Manager, Telecommunications, A.P. Hyd.
4. One copy to Sri. M. Keshava Rao, advocate, CAT, Hyd.
5. One copy to Sri. N. V. Raghava, Reddy, Addl. CGSC, CAT, Hy
6. One copy to Library, CAT, Hyd.
7. One spare copy.

kku/-

[Handwritten notes]
13/04/95
24/3/95

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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 - 16/3 1995.

ORDER/JUDGMENT: *With*
3 J Conn

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

O.A.No.

in

330/95

~~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.~~

Central Administrative
DESPA

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HYDERA