

(22)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

D.A.No. 118/95.

Dt. of Decision : 1-2-95.

S.D. Gaffar

.. Applicant.

Vs

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

.. Respondents.

Counsel for the Applicant : Mr. K.Venkateswara 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.118/95.

Date: 1.2.1995.

J U D G M E N T

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

Heard Sri K.Venkateswara Rao, learned counsel for the 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 1.1.1981 to 31.12.1982 and thereafter he was periodically engaged from 1.11.1984 to 31.3.1985, 1.12.1986 to 28.2.1987 and lastly from 1.11.1988 to 31.5.1989. 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, Telecommunications 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 reengaging him as illegal, arbitrary, discriminatory and violative of Articles 14 & 16 of the Constitution of India.

not engaged after 31.5.1989. 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,

...3/-

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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 engage the applicant as Casual Mazdoor in preference to freshers whenever there is work. If the applicant is going to be reengaged in pursuance of this order, none shall be retrenched who are already in service.

5. The OA is ordered accordingly stage itself. No costs.

[Signature]

(R.Rangarajan)
Member(Admn.)

[Signature]
(V.Neeladri Rao)
Vice-Chairman

1005

[Signature]
Deputy Registrar(J)CC

Grh.

To

1. The Sub Divisional Officer, Telecommunications, Armoor Nizamabad Dist.
2. The Telecom District Engineer, Nizamabad.
3. The Chief General Manager, Telecommunications, 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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P. 2nd copy
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COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

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

AND

THE HON'BLE MR. R. RANGARAJAN : M(ADMIN)

DATED: 1-2-1995

ORDER/JUDGMENTN:

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

in

O.A.No. 118/95

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

