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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD

O.A.NO.446/95

Between:

Date of Order: 16.5.95.

G.Appa Rao

...Applicant.

And

1. The Divisional Engineer(Tgansmission and Installation) Lines Nagar, Chittigunta, Vijayawada.
2. The General Manager (Development) O/o Chief General Manager, A.P.Circle, Doorsanchar Bhavan, Nampally Station Road, Hyderabad.
3. The Chief General Manager, Telecom, Doorsanchar Bhavan, Nampally Station Road, Hyderabad.
4. The Divisional Engineer, Carrier and VFT Installation, Red Hills, Hyderabad.

...Respondents.

Counsel for the Applicant : Mr.K.Venkateswar, Rao

Counsel for the Respondents : Mr.Kota Bhaskara Rao, Addl.CGSC

CORAM:

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

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

contd...

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O.A. No. 446/95

JUDGEMENT

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

Heard Sri K.V. Rao, learned counsel for applicant and Sri K.B. Rao, learned counsel for the respondents.

2. The applicant plead that he was initially engaged as Casual Mazdoor under the control of respondents from 08.11.90 to 31.12.94 with artificial breaks and completed more than 1000 days, as per the details given in Annexure A-I filed along with this O.A. and thereafter he was not re-engaged.

3. This OA has been filed praying for a declaration that the applicant is entitled for reengagement as Casual Mazdoor under the control of R-2 and 3 in terms of the instructions issued by the D.G., Telecom, 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 the Chief General Manager, Telecom, Hyderabad by holding that the action of the respondents in not reengaging him as illegal, arbitrary, discriminatory and violative of Art. 14 and 16 of the Constitution of India.

4. As per the details furnished by the applicant, he was not engaged from 1.1.95. 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.

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5. 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 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 and 3rd respondents 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.

6. The OA is ordered accordingly at the admission stage. No costs.

(R. Rangarajan)
Member (A)

(V. Neeladri Rao)
Vice Chairman

Date

16-5-95

kmv

DEPUTY REGISTRAR (J)

To

1. The Divisional Engineer (Transmission and Installation) Lines Nagar, Chiuttigunta, Vijayawada.
2. The General Manager (Development) O/o Chief General Manager, A.P. Circle, Doorsanchar Bhavan, Nampally Station Road, Hyderabad.
3. The Chief General Manager, Telecom, Doorsanchar Bhavan, Nampally Station Road, Hyderabad.
4. The Divisional Engineer, Carrier and VFT Installation, Red Hills, Hyderabad.
5. One copy to Mr. K. Venkateswar Rao, Advocate, CAT, Hyderabad.
6. One copy to Mr. Kota Bhaskara Rao, Addl. CGSC, CAT, Hyderabad.
7. One copy to Library, CAT, Hyderabad.
8. One spare copy.

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TYPED BY
CHECKED BY

COMPARED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

V. Neechadri Rao
R. Ranganathan : V.C.
THE HON'BLE SHRI A. V. HARIDASAN: MEMBER (C)

AND

R. Ranganathan
THE HON'BLE SHRI A. B. GORTHI: MEMBER (C)

DATED

16.5.95

ORDER/JUDGMENT

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

in
D.A. NO. 446/95

Admitted and Interim directions issued.

Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn

Dismissed for default

Rejected/Ordered.

No order as to costs.

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