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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH
AT HYDERABAD
O.A.NO. 449/95.

Date of Order: 7-4-95.

Between:

1. S.Pandari.
2. Venkatesam.
3. Ramesh.
4. Chandraiah.
5. S.Ramesh.

.. Applicants.

and

1. The Chief General Manager,
Telecommunications, Andhra Circle,
Doorsanchar Bhavan, Nampally, Hyderabad.
2. The Telecom District Engineer,
Telecommunications, Sangareddy, Medak Dist.
3. The Sub Divisional Officer,
Telecommunications,
Sangareddy, Medak Dist.

Respondents.

For the Applicants: Mr.K.Venkateswarlu, Advocate

For the Respondents: Mr. V.Bheemanna, Addl.CGSC.

CORAM:

THE HON'BLE MR.JUSTICE V.NEELADRI RAO : VICE-CHAIRMAN
THE HON'BLE MR.R.RANGARAJAN : MEMBER(ADMN)

...2

O.A.No.449/95.

Date: 7/4/55

J U D G M E N T

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

Heard Sri K.Venkateswarlu, learned counsel for the applicants and Sri V.Bhimanna, learned Standing Counsel for

2. The applicants numbering 5 herein plead that they were initially engaged as Casual Mazdoors under the control of the respondents during the periods from 6.12.1985 to 10.8.1988 to 30.6.1989; and 2.1.1988 to 30.6.1989 respectively as per the details given in Annexures-I to V filed along with this OA in respect of each applicant. It is stated for the applicants that their services were terminated with effect from 30.6.1989, 30.4.1989, 30.4.1987, 30.6.1989 and 30.6.1989 respectively and thereafter they were not re-engaged.

The OA has been filed praying for a declaration that the applicants are entitled for reengagement as Casual Mazdoor under the control of R-2 in terms of the instructions issued by the Director General, Telecommunications and also by the Chief General Manager, Telecommunications, Doorsanchar Bhavan, Hyderabad by holding that the action of the respondents in not reengaging them as illegal, arbitrary, discriminatory and violative of the provisions of the Constitution of India.


...3/-

: 3 :

4. As per the details given by the applicants, they were not engaged from 30.6.1989 in respect of applicants No.1, 4 & 5, and 30.4.1989 in respect of applicant No.3. 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.

5. In view of what is stated above, 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 a fresher whenever work is available. So, the only relief that can be granted is to direct the 2nd respondent to 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.

6. The OA is ordered accordingly at the admission


(R. Rangarajan)
Member (Admn.)


(V. Neeladri Rao)
Vice Chairman

Dated 7th April, 1995.


Deputy Registrar (J) CC

Grh.

To

1. Andhra Circle, Dookanchar Bhavan, Nampally, Hyderabad.
2. The Telecom District Engineer, Telecommunications, Sangareddy, Medak Dist.
3. The Sub Divisional Officer, Telecommunications, Sangareddy, Medak Dist.
4. One copy to Mr. K. Venkateswarlu, Advocate, CAT. Hyd.
5. One copy to Mr. V. Bhimanna, Addl. CGSC. CAT. Hyd.
6. One copy to Library, CAT. Hyd.
7. One spare copy.

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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 - 7 - 4 1995.

ORDER/JUDGMENT:

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

O.A.No.

T.A.No.

in

449/95

(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

