

(27)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

O.A.NO. 469/95

Date of Order: 10-4-95.

Between:

B.Satyanarayana.

.. Applicant.

and

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

.. Respondents.

For the Respondents: Mr. K.Bhaskar Rao, Addl.CGSC.

CORAM:

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

THE HON'BLE MR.R.RANGARAJAN : MEMBER(ADMN)

O.A.No.469/95.

Date: 10/4/95

J U D G M E N T

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

Heard Sri K.Venkateshwara Rao, learned counsel for the applicant and Sri Kotha Bhaskara Rao, 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 3.7.1984 to 31.3.1988 for about 900 days as per the details given in Annexure-I filed along with the O.A. and subsequently for a period from 1.4.1989 to 30.6.1989. His services were terminated with effect from 1.7.1989 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 the R-2 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 the Chief General Manager, Telecommunication, Doorsanchar Bhavan, Hyd. 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.


4. As per the details given by the applicant, he was not engaged from 1.7.1989. 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.

...3/-

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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 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.

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


(R. Rangarajan)
Member (Admn.)


(V. Neeladri Rao)
Vice Chairman

Dated 10th April, 1995.

Grh.


Deputy Registrar (J) CC

To

1. The Sub Divisional Officer, Telecommunications, Kamareddy.
2. The Telecom District Engineer, Nizamabad.
3. The Chief General Manager, Telecommunication, Doorsanchar Bhavan, Hyderabad.
4. One copy to Mr. K. Venkateswar Rao, Advocate, CAT. Hyd.
5. One copy to Mr. K. Bhaskar Rao, Addl. CGSC. CAT. Hyd.
6. One copy to Library, CAT. Hyd.
7. One spare copy.

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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 (ADMN)

DATED 10-4-1995.

ORDER/JUDGMENT:

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

O.A.No. in
469/95.
T.A.No. (W.P.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions.

Dismissed. at the admission stage.

Dismissed as withdrawn

Dismissed for default.

Ordered/Rejected.

No. order as to costs.

