

(20)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

O.A.NO. 512/95.

Date of Order: 26-4-95.

Between:

G.Dattadri.

.. Applicant.

and

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

.. Respondents.

For the Applicant: Mr.K.Venkateswar Rao, Advocate

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

CORAM:

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

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

21

O.A.No.512/95

Dt. of decision: 26/4

JUDGEMENT

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

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

2. The applicant pleads that he was initially engaged as Casual Mazdoor under the control of the respondents w.e.f. 18-1-82 to 30-6-83 with artificial breaks again from 1-10-85 to 31-3-86, 1-11-87 to 30-4-88 and again from 1-11-88 to 31-5-89. His services were terminated w.e.f. 1-6-89 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 in terms of the instructions issued by the Director General, 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., Doosanchar Bhavan, Hyderabad 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 1-6-89. 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, 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.

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

*one*  
( R. Rangarajan )

Member (A)

*Weshta*  
( V. Neeladri Rao )

Vice Chairman

Dated

*2/4/55*

*28/2/28/55*  
Deputy Registrar (J) CC

kmv

To

1. The Sub Divisional Officer, Telecom, Armoor.
2. The Telecom Dist. 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. V. Bhimanna, Addl. CGSC. CAT. Hyd.
6. One copy to Library, CAT. Hyd.
7. One spare copy.

pvm

TYPED BY  
COMPARED BY

CHECKED BY  
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(ADMIN)

DATED - 26 - 4 1995.

ORDER/JUDGMENT:

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

O. A. No.

in  
512/95

T. A. No.

(W. P. )

Admitted and Interim directions  
issued.

Allowed.

Disposed of with directions.

Dismissed. along with 3 of copies

Dismissed as withdrawn

Dismissed for default.

Ordered/Rejected.

No order as to costs.

*No. 3/95*

