

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD.

O.A.NO. 540/95

DATE OF JUDGMENT: 27-4-95

BETWEEN:

1. Anand
2. Abdul Rasheed.
3. Mohd. Mustafa.

.. Applicants.

and

1. The Chief General Manager, Telecommunications
A.P.Circle, Doorsanchar Bhavan,
Nampally. Hyderabad.
2. The Telecom District Engineer,
Madak Dist. at Sangareddy.
3. The Sub Divisional Officer,
Telecommunications,
Sangareddy, Madak Dist.

.. Respondents.

COUNSEL FOR THE APPLICANT: SHRI K.Venkateswarlu

COUNSEL FOR THE RESPONDENTS: SHRI N.R.Devraj,
Sr./~~Asst.~~ CGSC

CORAM:

HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN
HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

CONTD.....

O.A.No.540/95

JUDGEMENT

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

Heard.

2. The applicants plead that they were initially engaged as Casual Mazdoor. The 1st applicant was appointed as Casual Mazdoor on 1.1.82 and worked upto 31.10.88 for 517 days. The 2nd applicant was engaged as Casual Mazdoor from 4.12.81 to 31.8.84 for 454 days, and the 3rd applicant was engaged as Casual Mazdoor from 4.12.81 to 31.10.88 for 491 days under the control of the respondents. Later their services were terminated from 1.11.88, 1.9.84 and 1.11.88 respectively and thereafter they were not re-engaged.

3. This OA has been filed praying for a declaration that the applicants are entitled for reengagement as Casual Mazdoor under the control of R-2 and R-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, Doorsanchar Bhavan, Hyd, by holding that the action of the respondents in not reengaging them as illegal, arbitrary discriminatory and violative of Articles 14 & 16 of the Constitution of India.

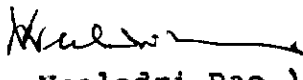
4. As per the details given by the applicants, they were not engaged from 1.11.88, 1.9.84 and 1.11.88 respectively. Hence, the question of condoning the break does

not arise. As such, they are not entitled to claim seniority on the basis of their earlier services in different spells.

5. In view of what is stated by the applicants, 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. So, the only relief that can be granted is to direct the 2nd respondent to re-engage the applicants as Casual Mazdoor 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 O.A. is ordered accordingly at the admission stage itself. No costs./


(R. Rangarajan)
Member (A)


(V. Neeladri Rao)
Vice Chairman

Dated

27/4/95


Deputy Registrar (J)CC

To

kmv

1. The Chief General Manager, Telecommunications, A.P.Circle, Doorsanchar Bhavna, Nampally Hyderabad.
2. The Telecom District Engineer, Medak Dist. at Sangareddy.
3. The Sub Divisional Officer, Telecommunications, Sangareddy, Medak Dist.
4. One copy to Mr.K.Venkateswarlu, Advocate, CAT.Hyd.
5. One copy to Mr.N.R.Devraj, Sr.CGSC.CAT.Hyd.
6. One spare copy.
7. One copy to Library, CAT.Hyd.

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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 - 27-4-1995.

ORDER/JUDGMENT:

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

O.A.No.

in

540/95.

T.A.No.

(W.P.

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions.

Dismissed.

along with OA copy

Dismissed as withdrawn

Dismissed for default.

Ordered/Rejected.

No. order as to costs.

no spare copy

