

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

O.A.NO. 564/95

DATE OF JUDGMENT: 5-5-95

BETWEEN:

N.Venkateswarlu.

.. Applicant.

and

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

.. Respondents.

COUNSEL FOR THE APPLICANT: SHRI K.Venkateswar Rao,

COUNSEL FOR THE RESPONDENTS: SHRI N.V.Ramana, Addl.CGSC
Sr./Addl.CGSC

CORAM:

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

CONTD....

O.A.No. 564/1995.

Dt. of decision:

10/95

JUDGEMENT

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

Heard Sri K.V. Rao, learned counsel for the
applicant and Sri N.V. Ramana ~~N.R. Devaraj~~, learned counsel for
the respondents.

2. The applicant plead that he was initially engaged as Casual Mazdoor under the control of respondents w.e.f. 1.7.82 to 9.9.83 with artificial breaks for 282 days. Thereafter his services were terminated w.e.f. 10.9.83 ~~and 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 respondents 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, Hyderabad by holding that the action of the respondents in not reengaging him as illegal, arbitrary, discriminatory and violative of Articles 14 and 16 of the Constitution of India.

4. As per the details given by the applicant, he was not engaged from 10.9.83. 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.

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 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

Dt. 8/8/80

Amulya
Deputy Registrar (J)CC

To

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

pvm

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COMPARED 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(ADMN)

DATED - 5 -5 1995.

ORDER/JUDGMENT:

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

O. A. No. 564/95

T. A. No. (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 cost

