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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH  
OA. No. 12/96.

Date of order: 4.1.96.

Between:-

B. Muni Swamy

...

Applicant.

And

1. The Sub-Divisional Officer, Telecommunication, Guntakal, Anantapur District.
2. The Sub-Divisional Officer, Telecommunication, Tadpatri.
3. The Sub Divisional Officer, Telecommunication, Hindupur.
4. The Sub Divisional Officer, Telecommunication, Dharmavaram.
5. The Telecom District Manager, Anantapur.
6. The Chief General Manager, Telecommunications, Door Sanchar Bhavan, Hyderabad.

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Respondents.

Counsel for the Applicant: Mr. K. Venkateswara Rao

Counsel for the Respondents: Mr. N. R. Bevaraj, Sr. OGSC.

CORAM:

HON'BLE MR. JUSTICE V. NEELADRI RAO, VICE CHAIRMAN

HON'BLE SHRI R. RANGARAJAN, MEMBER ADMINISTRATIVE.

JUDGEMENT

Dt: 4.1.96

(AS PER HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.))

Heard Shri K.Venkateswara Rao, learned counsel for the applicant and shri N.R.Devaraj, learned standing counsel for the respondents.

2. The applicant was engaged as Casual Mazdoor with effect from 14.3.82 and he worked in that capacity upto 30.11.85 with artificial breaks and again from 11.2.87 to 31.1.89 with artificial breaks. During the above period, he had completed 1460 days of casual service. He was not reengaged from 1.2.89 onwards. This OA is filed for declaration that the applicant is entitled for reengagement as Casual Mazdoor under the control of the Telecom District Manager, Anantapur, in terms of the various instructions issued by the Director General, Telecommunications and also as per the Lr.No.TA/LC/l-2/II, dated 21.10.1991 and Lr.No.TA/RE/20+2/Rlgs/Corr., dated 22.2.93 issued by the Chief General Manager, Telecommunications, Hyderabad by holding the action of the respondents in not reengaging him as illegal, arbitrary, discriminatory, and violative of Articles 14 and 16 of the Constitution.

3. The applicant has served in the Department earlier for a considerable period and hence he will be better suited as compared to freshers from the open market. Further as he was disengaged way back in January 1989, the long absence cannot be condoned.

4. In the result, the following direction is given:

The applicant should be reengaged if there is work in future in preference to freshers from the open market in the unit

from which he was last retrenched. If in pursuance of this order he is going to be engaged, none who is already in casual service will be retrenched.

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

*one/s*

(R.RANGARAJAN)  
MEMBER (ADMN.)

*Werbha*  
(V.NEELADRI RAO)  
VICE CHAIRMAN

DATED: 4th January, 1996.  
Open court dictation.

*Amby 19-1-96*  
Dy.Registrar(Judl)

vsn

Copy to:-

1. The Sub Divisional Officer, Telecommunication, Guntakal, Anantapur District.
2. The Sub Divisional Officer, Telecommunication, Tadpatri.
3. The Sub-Divisional Officer, Telecommunication, Hindupur.
4. The Sub Divisional Officer, Telecommunication, Dharmavaram.
5. The Telecom District Manager, Anantapur
6. The Chief General Manager, Telecommunications, Door Sanchar Bhavan, Hyderabad.
7. One copy to Mr. K. Venkateswara Rao, Advocate, CAT, Hyd.
8. One copy to Mr. N. R. Devaraj, Sr. CGSC, CAT, Hyd.
9. One copy to Library, CAT, Hyd.
10. One spare copy.

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