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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH : AT HYDERABAD

C.R. No. 117/96.

Dt. of Order: 2-2-96.

Between :-

S.Md. Shapjulla

.. Applicant.

and

1. The Asst. Engineer,
Co-Axial Maintenance,
Medinabad, Guntakal.

2. The Telecom District Manager,
Anantapur.

3. The Chief General Manager, Telecom,
Doorsanchar Bhavan, Hyderabad.

4. The Director General, Dept. of
Telecommunications, New Delhi.

.. Respondents.

Counsel for the Applicant : Shri. K. Venkateswara Rao

Counsel for the Respondent : Shri. N.V. Ramana, Addl. CGSC.

COMMITTEE:

THE HON'BLE JUSTICE SHRI V. NEELADRI RAo : VICE-CHAIRMAN

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (A)

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OA 117/96.

Dt. of Order: 2-2-96.

(Order passed by Hon'ble Shri R.Rangarajan,
Member (A)).

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The applicant in this O.A. was engaged as a Casual Mazdoor from 8-4-91 under the control of Respondent No.1. He was continued as such up to 31-10-94 with breaks in between. It is stated for the applicant that he had completed 812 days of Casual Service during that period. Later he was not re-engaged.

2. This O.A. is filed praying for a declaration that the applicant is entitled for re-engagement as Casual Mazdoor under the control of the Telecom District Manager, Anantapur in terms of the various instructions issued by Director General, Telecommunication and also as per Lr.No.TA/LC/1-2/III dt.21-10-91 and Lr.No.TA/RE/20-2/Rigs/Corr. dt.22.2.93 issued by the Chief General Manager, Telecommunications, Hyderabad by holding the action of the respondents in not re-engaging him as illegal, arbitrary, discriminatory and violative of Articles 14 and 16 of the Constitution.

3. The applicant has served the Department earlier and hence his services has to be preferred in preference to freshers from the open market if the casual labourers are to be engaged in future on the basis of the work load. But he was dis-engaged more than a year back and hence the long

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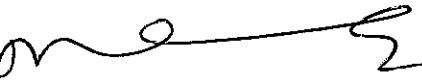
... 3.

absence cannot be condoned.

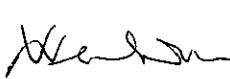
4. In the result, the following direction is given :-

"The applicant should be re-engaged in the same Unit from which he was dis-engaged last if there is work in future in preference to freshers from the open market. In case, if the applicant is re-engaged in pursuance of this direction, none who is already in Casual Service will be retrenched."

5. The Original Application is ordered accordingly at the admission stage itself. No order as to costs. //


(R.RANGARAJAN)

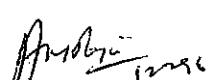
Member (A)


(V.NEELADRI RAO)

Vice-Chairman

Dated: 2nd February, 1996.
Dictated in Open Court.

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DEPUTY REGISTRAR(J)

To

1. The Asst.Engineer, Co-Axial Maintenance, Medinabad, Guntakal.
2. The Telecom District Manager, Ananthapur.
3. The Chief General Manager, Telecom, Doorsanchar Bhavan, Hyderabad.
4. The Director General, Dept.of Telecommunications, New Delhi.
5. One copy to Mr. K.Venkateswara Rao, Advocate, CAT, Hyderabad.
6. One copy to Mr. N.V.Ramana, Addl.CGSC, CAT, Hyderabad.
7. One copy to Library, CAT, Hyderabad.
8. One copy to spare.

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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(A)

Dated: 2 - 2 - 1996

ORDER/JUDGMENT

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

in

O.A.No. 117/96

T.A.No.

(w.p.No.)

~~Admitted and Interim directions
issued.~~

~~Allowed. or A ordered.~~

~~Disposed of with directions~~

~~Dismissed.~~

~~Dismissed as withdrawn.~~

~~Dismissed for default.~~

~~Ordered/Rejected.~~

~~No order as to costs.~~

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