

CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH

RECORD SECTION INDEX SHEET

O.A. No. 164 /1996

- a) Applicant (S) G. Balachander
Versus
- b) Respondent (S) SDO, Telangana, Nagar Kurnool & 2000

Sl.No.	Description of Documents.	Page. No.
	<u>Part. I</u>	
	Order Sheet	1
	Original Application 5-296	2-7.
	Ma-terial Papers	8-20.
	Order dated 9.296	21-24
	Counter Affidavit.	—
	Reply Affidavit	—
	Order dated	—
	<u>Part. II</u>	
	Duplicate Order Sheet.	1
	" Application 5-296	2-7.
	" Material Papers	8-20
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	<u>Part-III</u>	
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Part II & III
Deceased
2/6

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD.

①

O.A. NO. 164 of 1996.

G. Balakrishna

Applicant(s)

V E R S U S

SDO, Telum, NagarKurnool & 2 others

Respondent(s)

DATE	OFFICE NOTE	ORDERS OF THE TRIBUNAL
9.2.96		O.A. Ordered accordingly at the admission stage itself - order on separate sheets. No costs. H.P.R.N. H.V.N.R.S. M(A) VC

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD.

ORIGINAL APPLICATION 164 of 1996

Shri G. Balachander Applicant(S)

V E R S U S

Sub Dist. Officer: Telecom
Nagarkurnool & RESPONDENT(S)
2 others

The application has been submitted to the Tribunal by
Shri K. Venkateswara Rao Advocate/~~party in person~~
under section 19 of the Administrative Tribunal Act, 1985
and the same has been scrutinised with reference to the points
mentioned in the check list in the light of the provisions in
the Administrative Tribunal (procedure) Rules 1987.

The application is in order and may be listed for
admission on _____


Scrutiny Asst. 52.96


DEPUTY REGISTRAR (JUDL)

10. Has the impugned orders Original/duly attested legible copy been filed ?

yes

11. Have legible copies of the annexures duly attested been filed ?

yes

12. Has the Index of documents been filed and pagination done properly ?

yes

13. Has the applicant exhausted all available remedies ?

yes

14. Has the declaration as required by item No.7 of Form I been made.

yes

15. Have required number of envelopes (file size) bearing full address of the respondents been filed ?

yes

16. (a) Whether the relief sought for, arise out of single cause of action ?

yes

(b) Whether any interim relief is prayed for ?

yes

17. In case an MA for condonation of delay is filed, is it supported by an affidavit of the applicant ?

yes

18. Whether this case can be heard by Single Bench ?

no

19. Any other point ?

yes

20. Result of the scrutiny with initial of the scrutiny clerk ?

yes & filed


Scrutiny Asst.

Section Officer.

Deputy Registrar.

Registrar.

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH.

Dairy No. 328

Report on the Scrutiny of Application

Presented by KV Rao Date of presentation 5/2/84
Applicant (S) GB Chander
Respondent (S) SDO (T), Nafarkurnool & others
Nature of grievance Reengagement as cl.
No. of applicants 1 No. of Respondents 3

CLASSIFICATION

Subject Reengagement as cl. (No.) Department Telecom. (No)

1. Is the application in the proper form ?
(Three complete sets in paper books form
in two compilations)

2. Whether name, description and addresses
of all the parties been furnished in the
cause title ?

3. (a) Has the application been duly signed
and verified ?

(b) Have the copies been duly signed?

(c) Have sufficient number of copies of
the application been filed ?

4. Whether all the necessary parties are
impleaded.

5. Whether English translation of documents
in a language other than English or Hindi
been filed ?

6. Is the application on in time ? (See
Section 21)

7. Has the Vakalatnama / Memo of Appear-
ance / authorisation been filed ?

8. Is the application maintainable ? (u/s 2,
14, 18, or U.R. 8 etc)

9. Is the application accompanied IPO/DD,
for Rs. 50/- ?

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

I N D E X - S H E E T

O.A.NO. 164 / 1996

CAUSE TITLE G. Balachandur

V E R S U S

SDO, Telum, Nagar Kurnool & 20th

SL.NO.	Description of documents	Page No
1.	Original Application	1 to 4
2.	Material papers	5 to 17
3.	Vakalat	1
4.	Objection sheet	—
5.	Spare copies 3 (Thru)	
6.	Covers 3 A	

Reengagement as Casual Mazdoor

Regd TO declare that the applicant is
entitled for reengagement as (2)
casual Mazdoor.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT :: HYDERABAD

O.A.NO. 1164 OF 1996

Between:- बेंच केस/BENCH CASE

G. Balchander

... APPLICANT

A N D

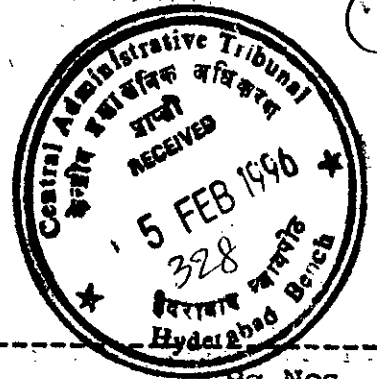
यूर संचार TELECOM

The Sub Divisional Officer, Telecommunications,
Nagarkurnool, and two others.

Telecom

... RESPONDENTS

CHRONOLOGICAL EVENTS



S.NO.	Particulars	Pg.Nos.
1.	The Applicant was appointed as Casual Mazdoor from 1.7.1988.	1
2.	Disengaged from 1.10.1989.	1
3.	Date of representation 20.8.1994.	3
4.	Judgement in O.A NO.1400/95, dated 27-11-1995.	3

K. V. S. S. S. S.
Counsel for the Applicant

Regd
G. Balchander
5.2.96
A. N. R. D. D. D.
all

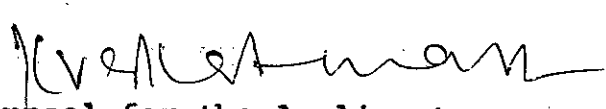
The application files under Section 19
of the AT Act 1985.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT :: HYDERABAD.

O.A.NO. 164 OF 1996

I N D E X

S.NO.	Description of the Documents	Pg.Nos	A.Nos.
1.	APPLICATION	1 to 4	
2.	Statement showing the periods in which the applicant worked	5 to 8	AT
3.	CGM's Lr.No.TA.IC/1-2/III, dated 21.10.1991.	9 to 12	AT
4.	CGM's Lr.No.TA/RE/20-2/Rlgs/Corr., dated 22.2.1993.	13	AT
5.	Representation dated 20.8.1994.	14	AT
6.	Copy of Judgement in O.A.NO.1400/95, dated 27.11.1995, of CAT, Hyderabad.	15 to 17	AT


Counsel for the Applicant

OFFICE USE ONLY:-

1. Date of Filing :-

2. Registration No.:-

Signature of the Registrar.

(4)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT :: HYDERABAD,
O.A.NO. 1164 OF 1996

Between:-

G. BALCHANDER, S/o. Buranji, aged about 24 years, Resident of Nasarulla Bagh, Jadicherla Mandal, Mahabubnagar District.

... APPLICANT

A N D

1. The Sub Divisional Officer Telecommunication, Nagarkurnool.
2. The Telecom District Engineer, Mahabubnagar.
3. The Chief General Manager, Telecom, Doorsanchar Bhawan, Hyderabad.

... RESPONDENTS

DETAILS OF THE APPLICATION

1. Particulars of the Applicant : Shown as above
Address for Services : Mr. K. Venkateswara Rao,
Advocate, 2-2-1136/3/1,
Jayalaxminivas, New-
Nallakunta, Hyderabad.
2. Particulars of the Respondents : Shown as above
3. Particulars of the Order:-
 1. Order No. & Date : No Order
 2. Subject in brief : Reengagement as Casual Mazdoor.
4. JURISDICTION:- The O.A. is within the time as per Sec. 14, of the Admn. Tribunal's Act, 1985.
5. LIMITATION:- The O.A. is within the time as per Sec. 21 of the Admn. Tribunal's Act, 1985.
6. FACTS OF THE CASE:-
 - (A) The Applicant is aggrieved by the impugned action of the respondents in dispensing with the services of the applicant as Casual Mazdoor from 1.10.89 onwards without any valid reasons or justifications while reengaging the Casual Mazdoors disengaged earlier than the applicant and this action is illegal, arbitrary, discriminatory and cannot be justified in the eye of law.
 - (B) The Applicant submits that he was engaged as Casual Mazdoor under the control of the respondents w.e.f. 1.7.88 to 30.9.89 continuously and completed about 430 days of Casual service and thereafter his services were unjustly disengaged on the pretext of one reason or other without any justification. It is relevant so submit that ~~Casual~~ Casual Mazdoors,

similarly placed and disengaged earlier filed many original applications in this Hon'ble Tribunal including O.A.Nos.272,722, 723,724,399,400 ect., of 1989 filed by Casual Mazdoors disengaged in Mahabubnagar Telecom Division and the same were disposed off along with other O.As. on 27.3.1991 wherein the Hon'ble Tribunal directed the respondents to prepare the seniority list as per various instructions issued by the Director General Telecommunications and reengage the applicants in accordance with seniority and also extend such other benefits as per Director General letters issued from time to time taking into consideration the judgement of the Supreme Court ~~after~~ after preparing the ~~seniority~~ seniority list. In pursuance of the above said judgement the Chief General Manager issued Lr.No.TA.LC/1-2/III, dated 21.10.91 requesting all the Telecom District Managers and all the Telecom District Engineers in A.P.Telecom circle to prepare the seniority list of Casual Mazdoors as per the various instructions issued by the Department of Telecommunications, New Delhi, confer temporary status and to reengage them in accordance with seniority subject to availability of work and also extend such other benefits taking into consideration the judgement of the Supreme Court. According to the said letter the benefits have to be extended to the Casual Mazdoors who were engaged after 31.3.1985 in accordance with decision of the Supreme Court ~~after~~ in Ramgopal and others Vs. Union of India W-O(C) NO.1280/89 and condone the breaks in service in accordance with the Director General P&T Circular No. 28-11-77/SR/STN, dated 10.10.1980 and such other instructions issued from time to time. The Applicant submits that the applicants in the above O.As. were reengaged as Casual Mazdoors in Telecom Division Mahabubnagar. However, the respondents have not taken any action to reengage the applicant as Casual Mazdoor even though he is similarly placed. It is relevant to submit that the third respondent has also issued Lr.No.TA/RE/20-2/Rlgs/Corr., dated 22.2.1993 advising the subordinate authorities not to retrench the Casual Mazdoors who were recruited after 31.3.1985 and

those removed without following the provisions of I.D.Act, should be taken back. It is thus obvious that the Casual Mazdoors recruited after 31.3.1985 ~~xx~~ should not be retrenched and even if there is retrenchment of Casual Mazdoors without following the provisions of I.D.Act, they should be taken back. The Applicant submits that ~~xx~~ his case is also similar in that he was recruited after 31.3.1985 and he was retrenched without following the procedure mentioned in the third respondent's letters dated 22.2.93 and therefore the action of the respondents in disengaging his services from 1.10.1989 and not taking him back to services while reengaging the ~~persons~~ persons similarly placed on the only ground that they sought the protection of this Hon'ble Tribunal and obtained the directions of this Hon'ble Tribunal is arbitrary, discriminatory. The Applicant ~~xx~~ has therefore made several oral representations to the first respondent. As there was no response from the first respondent the applicant submitted a representation to the second respondent on 20.8.94 requesting him to reengage him as several of his juniors who sought the protection of this Hon'ble Tribunal were reengaged. The ~~second~~ second respondent did not pass any order on the representation submitted by the applicant. The applicant ~~files~~ submits that similarly placed Casual Mazdoor like S.Narasimhulu filed O.A.NO.1400/95, before this Hon'ble Tribunal and it was disposed of on 27.11.95 with suitable directions. As there was no response from respondents and as there is no other efficacious remedy available the applicant is therefore approaching this Hon'ble Tribunal.

7. REMEDIES EXHAUSTED:- The Applicant has no other effective alternative remedy except to approach this Hon'ble Tribunal.

8. MATTERS NOT PERVIOUSLY FILED OR PENDING:- The Applicant has not filed any other O.A./W.P. in this regard and such a case is not pending in any court or authority of law.

9. MAIN RELIEF:- It is therefore prayed that this Hon'ble Tribunal may be pleased to declare that the applicant is entitled for reengagement as Casual Mazdoor under the control of the Telecom

District Engineer, Mahabubnagar in terms of the various instructions issued by the Director General Telecommunications and also as per Lr.No.TA/LC/1-2/III, dated 21.10.1991 and Lr.No.TA/RE/20-2/Rlgs/Corr., dated 22.2.1993 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 and pass such other order or orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

10. INTERIM RELIEF:- Pending disposal of the above it is prayed that this Hon'ble Tribunal may be pleased to direct the respondents to ^{reengage} ~~engage~~ forthwith the applicant as Casual Mazdoor and pass such other order or orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

11. COURT FEE:-

I.P.O. NO. & Date : 809

Name of the P.O. which drawn :

or

Name of the Bank which drawn :

12. ENCLOSURES:- IPO., Material Papers, Covers, Pads, & Etc.

V E R I F I C A T I O N

I, G.Balchander, S/o.Buranji, aged about 24 years, Resident of Nasrulla Bagh, ~~Mazhar~~ Mahabubnagar District, do hereby ~~me~~ verify that the contents in the above paras 1 to 12 are true to my personal knowledge and legal advice from my counsel and I have not suppressed any material facts.

Hyderabad;

Dated:

Counsel for the Applicant

Signature of the Applicant

8/6/5

(8)

G. Balchand

S/O G. BURANT

S. NO	From date	To date	W/E NO	M/R NO	Name of the work place	Signature of (S/P) J.E	Signature of (S/D) A.T
1	1-7-1958	31-7-1958	35	1774/17064	A. Vome and J. work Break	P. Balach	Sub Divisional Officer Telecommunications, KAGARKURNOOL-509 207
2	1-8-1958	31-8-58	43	2374/17064	N.K.L. M.T.C. N.P.C. S. work down work	P. Balach SIP J.C.L	Sub Divisional Officer Telecommunications, KAGARKURNOOL-509 2
3	1-9-1958	30-9-1958	50	574/17065	J.C.L. alayur J.C.L	P. Balach SIP JCL	Sub Divisional Officer Telecommunications, KAGARKURNOOL-509 20
4	1-10-1958	31-10-1958	66	2074/1706	Naga Kurnool cabal work	P. Balach SIP JCL	Sub Divisional Officer Telecommunications, KAGARKURNOOL-509 20

L. V. S. A. A.

MAJ D. C. T. / 1988 G. BALCHANDER

S/O. BURANJI

(3)

SL NO	From date	To date	M/R NO	W/R NO	Days	Work	Signer	Paying officer S.D.O.T
5	1-11-88	30-11-88	117072	92	26	N.K.2 New long winding work	P. Balach SIP JCL	Sub Divisional Officer Telecommunications, NAGARKURNOOL-509 209.
6	1-12-88	31-12-88	117073	96	31	N.K.2 New Exchange E.J.C.L To Deva r konda Trunk line. Work	P. Balach SIP JCL	Sub Divisional Officer Telecommunications, NAGARKURNOOL-509 209.
7	1-1-1989	31-1-1989	1076/17073	105	25	J.C. 2 Local cable work and J.C.L to D.V.K A.C.S.R wire trunk line work	P. Balach SIP JCL	Sub Divisional Officer Telecommunications, NAGARKURNOOL-509 209.
8	1-2-1989	28-2-1989	23/17073	1189	28	J.C. L to D.V.K trunk line work A.C.S.R wire	P. Balach SIP JCL	Sub Divisional Officer Telecommunications, NAGARKURNOOL-509 209.

11/10/1988
Arav

<i>Amil Kumbhar</i> <i>was all the more surprising that the down He</i> <i>the</i>									
<i>S/o G. BURAN</i> <i>(via) THIMMAJIPET SC406. M. NAGAR. (Dist)</i>									
Sr	Form date	to date	MIR NO	W/O NO	Name of the	work	Signature of	Signature of	
					at days and place		SIP (J.E)	(S.D.O.T)	
9	1-3-1989	25-3-1989	476/17074	126	25	Kotha Pally opening work	P. Balach SIP JCL	<i>[Signature]</i>	Sub Divisional Officer Telecommunications, NAGARKURNOOL-509 209
10	26-3-89	3-3-89	176/17025	146	6	Kotha Pally opening work and N.P.C work	P. Balach SIP JCL	<i>[Signature]</i>	Sub Divisional Officer Telecommunications, NAGARKURNOOL-509 209
11	1-4-89	30-4-89	876/17015	153	30	Kotha Pally S.A.X opening work and N.P.C work	P. Balach SIP JCL	<i>[Signature]</i>	Sub Divisional Officer Telecommunications, NAGARKURNOOL-509 209
12	1-5-89	31-5-89	440/486	172	31	Kotha Pally N.P.C work & Tel to Telegraphy work	P. Balach SIP JCL	<i>[Signature]</i>	Sub Divisional Officer Telecommunications, NAGARKURNOOL-509 209

Uthasur
Adm

From date	To date	M/R No	Work order No	days	Name of the place & work	Signature of the S.I.P.	Signature of the S.D.O.T.
1-6-1989	30-6-1989	11AP/486	180	30	Gar J.C.L. No. 180	P. Balach SIP JCL	Sub Divisional Officer Telecommunications NAGARKURNOOL 509 209
1-7-89	31-7-1989	9AP/487	206 219	31	Test work in cable & down work	P. Balach SIP JCL	Ignorance
1-8-1989	31-8-1989	2AP/488	228	26	Relay work to J.C.L. down wire & connecting work	P. Balach SIP JCL	Ignorance
1-9-1989	30-9-1989	24/AP/488	251	26	J.C.L. New Exchange cable-drawing & air pipe & clasp	P. Balach SIP JCL	Ignorance
G. Balachandir S/o Berrang							

1/10/89
AN

Subj: Judgement dated 27-3-61 of OAR-Hydrobud Bench Ap. Bench No. 1
Channel Beddown Survey - Hyderabad.

O' A No.

Sl. No.	Age	Name	Post
1.	367/08	J. L. Baba Rao	GH/HTD/Hyderabad
2.	490/08	S. Jayan Rao	SDOT-Guntur
3.	354/08	M. S. Srinivasan Rao	SDOT-Guntur
4.	354/08	G. Srinivasan	AI (CC) / Secund. school
5.	354/08	S. Srinivasan	SDOT-Secund. school
6.	354/08	S. Srinivasan	SDOT-II, Vankhupetnam
7.	732/00	H. Hanumanth Rao	SDOT (J. 2nd-3), Guntur
8.	815/08	S. Hanumanth Rao	SDOT-Sangareddy
9.	815/08	S. Hanumanth Rao	SDOT-Karimnagar
10.	860/08	H. Prabhakar Reddy	-do-
11.	3/09	G. Komarath	-do- Sangareddy
12.	3/09	D. Hanumanth	SDOT-Palnad
13.	5/09	S. Srinivasan Reddy	SDOT-Sangareddy
14.	9/09	H. Anil	-do-
15.	10/09	S. Srinivasan Reddy	-do-
16.	11/09	P. Venkateswaraiah	SDOT-Secund. school
17.	50/09	H. Venkateswaraiah	SDOT-Karimnagar
18.	51/09	V. Hanumanth	SDOT-Armour
19.	59/09	H. Hanumanth	SDOT-Karimnagar
20.	60/09	K. Hanumanth	SDOT-Eluru
21.	77/09	A. Srinivasan	SDOT-Eluru
22.	104/09	Dooy. APPENDIX 3 (G. D. 3)	AI (CC) / Secund. school
23.	105/09	P. Hanumanth	SDOT-Karimnagar
24.	129/09	K. Hanumanth	AI (CC) / Hyderabad
25.	152/09	Rajendrar	SDOT-Armour
26.	153/09	H. Hanumanth	-do-
27.	269/09	A. Hanumanth	AI (H/V Proj.), Hyderabad
28.	270/09	K. Hanumanth	-do-
29.	271/09	S. Hanumanth	-do-
30.	272/09	G. Hanumanth	SDOT-Hanumanth
31.	273/09	S. Hanumanth	SDOT-Palnad
32.	310/09	K. Hanumanth	SDOT-Eluru
33.	311/09	K. Hanumanth	SDOT-Sangareddy
34.	312/09	G. Hanumanth	SDOT-Armour
35.	313/09	S. Hanumanth	SDOT-Karimnagar
36.	314/09	S. Hanumanth	SDOT-Armour
37.	347/09	J. Hanumanth	SDOT-Eluru
38.	348/09	K. Hanumanth	SDOT-Hanumanth
39.	400/09	P. Hanumanth	SDOT-Armour
40.	408/09	S. Hanumanth	SDOT-Jagityal
41.	429/09	S. Hanumanth	SDOT-Bhongir
42.	453/09	S. Hanumanth	SDOT-II, Vankhupetnam
43.	512/09	S. Hanumanth	SDOT-Bhongir
44.	513/09	H. Hanumanth	SDOT-Hanumanth
45.	514/09	M. Hanumanth	SDOT-Hanumanth

Wishup Lodge, Wash.
Admission

0-11 (100)

100

-do-
 SBT-Paleography, Ann Arbor
 SBT-Terminalized
 SBT-Elmwood
 SBT-Farmington
 SBT-The Library
 THE-Agriculture
 AB(P)/In January
 -do-
 -do-
 -do-
 SBT-Dormitory

140.	780/90	S. Lakshmi
141.	789/90	H. Rangaswamyakudam
142.	790/90	K. Hoosain
143.	815/90	P. Venkateswarar. 149
144.	816/90	B. Jayababu
145.	817/90	B. Punasa Ramu
146.	818/90	K. Gannayya
147.	820/90	A. Subbarayudu

2. The Tribunal has disposed off the Original Applications referred to above, directing the Department to

(1) to prepare the seniority of Casual Mazdoors as per the various instructions issued by the Department of Telecom., New Delhi, confer temporary status and to re-engage them in accordance with the seniority subject to the availability of work and also to extend such other benefits taking into consideration

(11) the above benefit may/all be extended to the Casuals who were engaged after 30-3-05 in accordance with the decision of the Supreme Court in Minors & Others Vs Union of India Others in W.O. (C), No. 1280/02.

(111) Others in W.O.(C) No. 1200/02, condone the break in service in accordance with D. O. Circular No. 20-11/77-DN/SPN dt. 10-10-80 and issue other instructions issued from time to time by the Departmental Telecom.

Instructions issued from time to time by the
Telecom.

W. P. McDaniel
Admiral

(14) Consider to re-engage casual mazdoors belonging to community in preference to P.C. candidates in accordance with the rule of reservation.

13

3. The Hon'ble Tribunal, however, has turned down the request of casual mazdoors for granting back wages.

4. References are being received on the above lacking clarification as to whether or not to implement the judgement of the Tribunal. In regard, it is to intimate that the Department of Telecom., Govt of India has been addressed for issuing necessary guidelines on the judgement referred to above. As much a further communication in the matter may be awaited. Meanwhile necessary action may be taken to engage the casual mazdoors referred to in the original applications, if there is work and if any junior to them are available.

5. The contents of this letter may be brought to the notice of Sub Divisional Officers/Asst. Engineers concerned.

H.B.

DA: (As above)

B. Rajagopal Reddy
(B. Rajagopal Reddy)
Vigilance Officer,
for CGH Telecom., Hyderabad.

Copy to:-

- 1 to 3, The General Manager, Telecom.,
Secunderabad/Vizianagaram/Varengal.
- 4. The AGH(A) Circle Office.
- 5. The Asst. Director (Hort.), Circle Office, Hyderabad.

If the Casual Mazdoors in the list above happened to be sent to those who are engaged on existing H/R, they may be taken to work directing the existing junior casual mazdoors to wait for allotment of the work as per their turn in the seniority list.

Encl-100: E.7-162/91-92/21: dated 1-11-82 (26-10-1977)
Copy Circles B.H. etc.

- 1. The SDO Telangana/BN/201/91/21/22/23/24/25/26/27/28/29/30/31/32/33/34/35/36/37/38/39/40/41/42/43/44/45/46/47/48/49/50/51/52/53/54/55/56/57/58/59/60/61/62/63/64/65/66/67/68/69/70/71/72/73/74/75/76/77/78/79/80/81/82/83/84/85/86/87/88/89/90/91/92/93/94/95/96/97/98/99/100
- 2. The AGH(A) Circle Office.
- 3. The SDO BN/201/91/21/22/23/24/25/26/27/28/29/30/31/32/33/34/35/36/37/38/39/40/41/42/43/44/45/46/47/48/49/50/51/52/53/54/55/56/57/58/59/60/61/62/63/64/65/66/67/68/69/70/71/72/73/74/75/76/77/78/79/80/81/82/83/84/85/86/87/88/89/90/91/92/93/94/95/96/97/98/99/100
- 4. The AGH(A) Circle Office.

B. Rajagopal Reddy
B. Telecom. Officer, Hyderabad
KATHUDNACAR-500 050

Arjun
AN

Chandrabhaga
Chandrabhaga

THE TELECOMMUNICATIONS DISTRICT OFFICE

Office of the Chief General Manager, Telecom, Hyderabad.

RE: CR/CR/TC-2/REGS/Corr., dt. 22-2-1954.

To

The General Manager, Telecom, District, Hyd./Vijayanagar,
All CMA Telecom, Warangal, Vijayanagar, and
All TDM/IDE/SMT/STC in all Telecom Circles,
The S.E. (Civil) S.E. (Electrical), Hyd.,
The Principal R.T.T.C., Sec'y Bd.,
The Asst. Engineer (Stores) C.T.S.O., Sec'y Bd.

Subj: Enforcement of Casual Hazardous Regs.

The Chief General Manager, Telecom, Hyderabad, has decided as follows:

- (1) All the Casual Hazardous who are recruited after 31-3-53 and continuing should not be retrenched. Though removed in some secondary retrenching Areas recently without full compliance of I.D. Act, should be taken back.
- (2) All the Casual Hazardous who gained entry into the employment with bogus certificates should be removed after following the prescribed procedures.

Your are requested to take immediate action on the above and report compliance to this office for information. Regd. to Chief General Manager, Telecom, Hyderabad.

Sd/-
Asst. General Manager,
for CMA, Telecom, Hyderabad.

// TRUE COPY //

(Signature)
A.C.V.

12 AE 6-14

MAHABUBNAGAR DISTRICT.

To

Most Respected Sir,

Thanking You Sir,

Sd/- G. BALDHCNDER

Cheltenham
Advo

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0-15

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No. 1400/95.

Dt. of Decision : 27-11-95.

S. Marasimhulu

.. Applicant.

Vs

1. The Sub-Divisional Officer,
Telecommunication, Guntakal.
2. The Telecom District Manager,
Anantapur.
3. The Chief General Manager,
Telecommunications,
Overseas Office, Dhevan,
Hyderabad.



.. Respondents.

Counsel for the Applicant

: Mr. K. Venkateswara Rao

Counsel for the Respondents

: Mr. N.V. Raghava Reddy,
Addl. CGSC.

CORAM:

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

THE HON'BLE SHRI A.B. GORTHY : MEMBER (ADMN.)

(Signature)
A. V. R.

19
0-16
P-18

O.A.NO.1400/95

JUDGMENT

DE: 27.11.95

(AS PER HON'BLE SHRI A.B.CORTHY, MEMBER (ADMINISTRATIVE))

Heard Shri K.Venkateswara Rao, learned counsel for the applicant and Shri N.V.Raghava Reddy, learned standing counsel for the respondents.

2. The relief claimed by the applicant is for a direction to the respondents to reengage him as Casual Mazdoor. It is stated in the OA that the applicant had worked from 9.9.85 to 20.3.87 with the respondents as Casual Mazdoor with some artificial breaks. He thus worked for a total number of 540 days. The respondents however, did not reengage him subsequent to 20.3.87.

3. The learned standing counsel for the respondents stated that the facts stated by the applicant in the OA will be verified and if found to be genuine, his case for reengagement will be considered.

4. In view of the above, this OA is disposed of at the admission stage itself with the following directions to the respondents:-

(1) That Keeping in view the fact that the applicant had served for 540 days with the respondents for they shall reconsider his case for reengagement in preference to freshers as and when there is requirement

10/11/95
A.W.

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for engagement of Casual Hurdooors. and

(11) We make it clear that the applicant will not be entitled to seek condonation of break in service.

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

CERTIFIED TO BE TRUE COPY

Date.....

CAAT Officer
Central Administrative Tribunal
Hyderabad Bench

vsn

1. The Sub Divisional Officer, Telecommunication, Cankal.
2. The Telecom Dist. Manager, Mantapur.
3. The Chief General Manager, Telecommunications, Darsanchar Bhavan, Hyderabad.
4. One copy to Mr. K. Venkateswar Rao, Advocate, CAT, Hyd.
5. One copy to Mr. N. V. Raghava Reddy, Addl. CCSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

pvm

Mr. K. Venkateswar Rao
Consulting
officer

16
AN

(21)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

O.A.NO. 164/96

Date of Order: 9.2.96.

Between: G. Balachander

.. Applicant

and

1. The Sub Divisional Officer,
Telecommunications,
Nagarkurnool.
2. The Telecom District Engineer,
Mahaboobnagar.
3. The Chief General Manager, Telecom,
Doorsanchar Bhavan,
Hyderabad.

Respondents.

For the Applicant :- Mr. K. Venkateswar Rao

For the Respondents: Mr. V. Rajeswar Rao, CGSC.
Sr./Add. CGSC

CORAM:

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

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

contd...

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DA 164/96.

Dt. of Order: 9-2-96.

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

-- -- --

The applicant in this O.A. was engaged as a Casual Mazdoor from 1-7-1988 and he continued as such up to 30-9-89 when he was dis-engaged. Even the initial casual engagement was not through Employment Exchange. Though the DGP & T instructions prohibits any engagement without sponsorship of Employment Exchange after 15-6-88.

2. This O.A. is filed praying for declaration that the applicant is entitled for re-engagement as Casual Mazdoor under the control of the Telecom District Engineer, Mahabubnagar, in terms of the various instructions issued by the Director General Telecommunications 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. It is admitted that the applicant had service to the extent of about 400 days by virtue of his earlier engagement as Casual Labourer. Hence he has to be preferred if any Casual Labourer is recruited other than through Employment Exchange from the open market, but his long absense cannot be condoned.

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

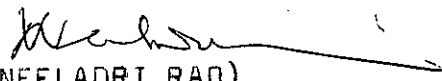
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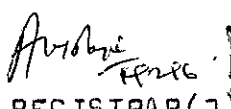
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"The applicant should be re-engaged if there is work in ~~future~~ in preference to freshers who are not sponsored by the Employment Exchange in the same Unit from where he was dis-engaged last. If in pursuance of this direction he is going to be re-engaged, none who is already in the casual service will be retrenched."

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


(R. RANGARAJAN)
Member (A)


(V. NEELADRI RAO)
Vice-Chairman


DEPUTY REGISTRAR(J)

Dated: 9th February, 1996.
Dictated in Open Court.

avl/

To

1. The Sub Divisional Officer,
Telecommunications,
Nagarkurnool.
2. The Telecom District Engineer,
Mahaboobnagar.
3. The Chief General Manager, Telecom,
Doorsanchar Bhavan, Hyderabad.
4. One copy to Mr. K. Venkateswar Rao, Advocate,
CAT, Hyderabad.
5. One copy to Mr. V. Rajeswar Rao, CGSC, CAT,
Hyderabad.
6. One copy to Library, CAT, Hyderabad.
7. One spare copy.

YLKR

1/3/96

I COURT

TYPED BY

CHECKED BY

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(A)

Dated: 9 - 2 - 1996

ORDER/JUDGMENT

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

in

O.A.No.

164/96

T.A.No.

(w.p.No.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions

Dismissed. *at the admission stage*

Dismissed as withdrawn.

Dismissed for default.

Ordered/Rejected.

No order as to costs

3 OA copies

No spare copy

