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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD.

O.A. NO. 533 OF 1996.

Between

Dated: 26.4.1996.

N.Gopal

....

Applicant

And

1. The Telecom District Manager, Anantapur.

2. The Chief General Manager, Telecom, Doosanchar Bhavan, Hyd.

... .

Respondents

Counsel for the Applicant : Sri. K. Venkateshwar Rao

Counsel for the Respondents : Sri. V. Bhimanna, Addl. CGSC.

CORAM:

Hon'ble Mr. R. Rangarajan, Administrative Member

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C.A. 533/96.

Dt. of Decision : 26-04-96.

ORDER

1. As per Hon'ble Shri R. Rangarajan, Member (Admn.)

The applicant in this OA was engaged as a Casual Mazdoor under the control of R-1 w.e.f., 06-04-1994 from the open market without ~~having~~ been sponsored by the employment exchange. He continued in that capacity till 29-03-1995 with artificial breaks. It is stated that during the above said period the applicant had completed 260 days of casual service. Thereafter he was not re-engaged.

2. This OA is filed praying for a ~~direction~~ ^{declaration} to the respondents 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 the Director General Telecommunications and also as per Lr. No.TA/LC/1-2/III dated 21-10-91 and Lr.No.TA/RE/20-2/Rlgs/Cerr. dated 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 Department of Personnel had issued ~~no~~ instructions stating that no casual engagement should be made from open market ^{the} other than through candidates sponsored by the employment exchange after 15-06-1988. As the applicant herein was engaged irregularly not following the circular of the department of personnel he has

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no locus-standi to be considered for re-engagement even if there is work. But if the department taking course engaged casual mazdeer from the open market without going through the employment exchange the applicant has to be considered in preference to those freshers to be appointed from open market as he possess some knowledge of the work of the department without being sponsored by the employment exchange. The applicant having been dis-engaged after 29-03-1995, the absence cannot be condoned and also in view of the fact that he is not a sponsored candidate through the employment exchange. This has been accepted by the learned counsel for the applicant also.

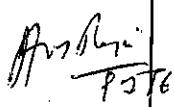
4. In view of the above, the following direction is given:-

The applicant should be re-engaged if there is work in future as a casual mazdeer in preference to freshers from the open market if such freshers are not sponsored by the employment exchange. If in pursuance of this order he is going to be re-engaged none who is already in casual service shall be retrenched.

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


(R. Rangarajan)
Member(Admn.)

Dated : The 26th April 1996.
(Dictated in Open Court)


Ashok
TST
DNO

Copy to:-

1. The Telecom District Manager, Anantapur.
2. The Chief General Manager, Telecom, Deorsanchar Bhavan, Hyd.
3. One copy to Sri. K.Venkateshwara Rao, advocate, CAT, Hyd.
4. One copy to Sri. V.Bhimanna, Addl. CGSC, CAT, Hyd.
5. One copy to Library, CAT, Hyd.
6. One spare copy.

Rsm/-

Re
6A-533/96

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN : M.E.A.)

DATED: 26/4/96

ORDER/JUDGEMENT

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

B.A. NO.

IN
533/96

ADMITTED AND INTERIM DIRECTIONS ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDERS AS TO COSTS

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