

19 (19)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.546/96

Date of Order: 30.4.96

BETWEEN :

K.Veerabhadram

.. Applicant.

A N D

1. The Sub-Divisional Officer,
Telecommunications, Kothagudem.
2. The Telecom District Manager,
Khammam.
3. The Chief General Manager,
Telecom, A.P.Circle, Hyderabad.
4. The Sub Divisional Officer,
Phones, Kothagudem.

.. Respondents.

— — —

Counsel for the Applicant

.. Mr. K.Venkateswara Rao

Counsel for the Respondents

.. Mr. V.Bhimanna

— — —

CORAM:

HON'BLE SHRI R.RANGARAJAN : MEMBER (Admn.)

— — —

JUDGEMENT

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

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The applicant in this OA was engaged as casual mazdoor under R1 w.e.f. 1.9.88 to 7.10.92 with artificial breaks and during that period he had completed 980 days of casual service. Thereafter, he was not re-engaged.

2. This OA is filed praying for a direction to the respondents for re-engagement as casual mazdoor under the control of the Telecom District Engineer, Khammam in terms of the various instructions issued by the Director General, Telecommunications and also as per TA/LC/1-2/III, dated 21.10.91 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 department of personnel had issued orders that after 15.6.88 no casual labour engagement should be made other than ~~through~~ ^{time} sponsored candidate by the Employment Exchange. The applicant herein was first engaged on 1.9.88 i.e. after the issue of the instructions by the DOP as quoted above. Hence the applicant if at all is engaged if there is work in future should be considered only if there ~~no~~ ^{are} employment exchange sponsored candidates for reengagement. But his case ~~in~~ ^{in case} may be considered in preference to any casual labour engagement ~~in~~ future otherthan through the employment exchange i.e. from the open market. ~~As~~ he has gained experience in the working of the department due to his earlier service as casual labour. The long absence of the applicant from service after 7.10.92 cannot be condoned.

4. In the result the following direction is given:-
The applicant ~~may~~ ^{shall} be reengaged in ~~pursuance~~ ^{preference} to freshers if there is work in future if such freshers are not sponsored by the employment exchange. He should be reengaged as above in future if there is work ~~from~~ ⁱⁿ the unit from which he was last retrenched. If in pursuance of this order he is going to be reengaged in future none of the casual labourers who are already in casual service shall be retrenched.

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

(R.RANGARAJAN)
Member (Admn.)

Dated : 30th April 1996
Dy. Registrar (3)

(Dictated in Open Court)

: 3 :

Copy to:-

1. The Sub Divisional Officer, Telecommunications, Kothagudem.
2. The Telecom District Manager, Khammam.
3. The Chief General Manager, Telecom, A.P.Circle, Hyderabad.
4. The Sub Divisional Officer, Phones, Kothagudem.
5. One copy to Sri. K.Venkateswara Rao, advocate, CAT, Hyd.
6. One copy to Sri. V.Bhimanna, Addl. CGSC, CAT, Hyd.
7. One copy to Library, CAT, Hyd.
8. One spare copy.

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DA-546/96

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

DATED: 30/4/96

ORDER/JUDGEMENT

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

IN:

B.A.NO. 546/96

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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