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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD
**

O.A. 627/96.

Dt. of Decision : 04-06-96.

Nagara Ramulu

.. Applicant.

vs

1. The Divl. Engineer,
Microwave Maintenance,
Visakhapatnam.
2. The Sub-Divisional Engineer,
Microwave Maintenance,
Visakhapatnam.
3. The Telecom District Engineer,
Vizianagaram.
4. The Chief General Manager, Telecom
AP Circle, Hyderabad.
5. The Director General,
Dept. of Telecom, New Delhi.

.. Respondents.

Counsel for the Applicant : Mr. K. Venkateswara Rao

Counsel for the Respondents : Mr. V. Bhimanna, SC for Relys.

CORAM:

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

ORDER

Oral Order(Per Hon'ble Shri R. Rangarajan, Member(Admn.))

Heard Mr. K.Venkateswara Rao, learned counsel for the applicant and Mr. V.Bhimanna, learned counsel for the respondents.

2. The applicant in this OA was engaged as a Casual Mazdeer from 01-03-82 to 17-03-86 under the control of Assistant Engineer, Microwave Project, Visakhapatnam and during the period from 01-01-87 to 31-01-88 he was engaged in the same capacity under the control of Assistant Engineer Coaxial Cable Project, Hyderabad. In the above two spells it is stated that he had completed 1880 days of casual service. He was not re-engaged after 01-02-88.

3. The applicant relies on the DOT's order No.269-69/88-STN dated 17-10-88 (at page-28) to state that in case the Project work is completed he has to be engaged in the maintenance division who had taken over the work from the project authority. ^{as} his seniority should also be fixed accordingly. But he was not engaged after 01-02-88.

4. This OA is filed praying for a direction to the respondents for reengagement as Casual Mazdeer in terms of various instructions issued by the Director General, Telecommunications including Order No.269-69/88-STN, dated 17-10-1988 and also as per the Lr.No.TA/LC/1-2/III, dated 21-10-1991 and Lr.No.TA/RE/20-2/Rlgs/Corr., dated 22-02-1993 issued by the Chief General Manager, Telecommunications, Hyderabad by holding the action of the respondents in not re-engaging him as illegal, arbitrary, and violative of Article 14 and 16 of the Constitution.

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5. The case falls on the usual pattern for re-engagement of discharged casual labourers. It is to be held that the applicant had acquired some knowledge in regard to the working in the department due to his previous experience. However, he was disengaged way back in 1988 and hence the long period of absence cannot be condemned. It is further to be held that his case has to be considered for reengagement if there is work in future in preference to freshers from the open market because of his past experience. If he is going to be reengaged in pursuance of this order there should not be any retrenchment of the serving casual labourers.

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

The applicant should be re-engaged in future if there is work in preference to freshers from the open market under R-1 and R-2. If he is going to be re-engaged none who is already in casual service shall be retrenched.

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

O — S

(R. RANGARAJAN)
MEMBER (ADMN.)

Dated : The 4th June 1996.
(Dictated in Open Court)

Anil
Dy. Registrar (Jd.)

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O.A.NO.627/96

Copy to:

1. The Divisional Engineer,
Microwave Maintenance,
Visakhapatnam.
2. The Sub Divisional Engineer,
Microwave Maintenance,
Visakhapatnam.
3. The Telecom District Engineer,
Vizianagaram,
4. The Chief General Manager,
Telecom, A.P.Circle,
Hyderabad.
5. The Director General,
Dept. of Telecom,
New Delhi.
6. One copy to Mr.K.Venkateswar Rao, Advocate,
CAT, Hyderabad.
7. One copy to Mr.V.Bhimanna, Addl.CGSC,
CAT, Hyderabad.
8. One copy to Library,CAT ,Hyderabad.
9. One duplicate copy.

YLKR

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

DATED: 4.6.96

ORDER/JUDGEMENT

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

IN

S.A. NO. 627/96

~~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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केन्द्रीय प्रशासनिक अदायक-म
Central Administrative Tribunal
प्रेषण/DESPATCH
12 JUN 1996 *new*
हैदराबाद न्यायालयीय
HYDERABAD BENCH