

(64)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA.634/96

dated : 14-6-96

Between

A. Siva Prasad : Applicant

and

1. Telecom District Manager
Anantapur

2. The Chief General Manager
Telecommunications
Doorsanchar Bhavan
Hyderabad

: Respondents

Counsel for the applicant : Sri. Venkateswara Rao
Advocate

Counsel for the respondents : K. Bhaskar Rao
Addl. CGSC

CORAM

HON. MR. JUSTICE M.G. CHAUDHARI, VICE CHAIRMAN

HON. MR. R. RANGARAJAN, MEMBER (ADMN.)

Judgement

Oral order (per Hon. Mr. ~~R.~~ Rangarajan, Member (Admn.))

Heard Sri K. Venkateswara Rao, for the applicant
and Sri K. Bhaskar Rao for the respondents.

2. Applicant in this OA was engaged as Casual Labour
under the control of Respondent-1 with effect from 26-4-93.
He was continued in that capacity upto 26-7-1994. There-
-after he was once again reengaged from 1-2-1995 and
continued upto 24-9-95. Thus during the above said period
he had put in 320 days of Casual labour service. After the end of
his second spell on 24-9-1995 he was not engaged.

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3. This OA is filed praying for declaration that the applicant is entitled for reengagement 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 the Lr.No.TA:LC:1-2/III dated 21-10-1991 and Lr.No.TA:RE: 20-2/Rlgs/Corr. dated 22-3-1993 issued by the Chief General Manager, Telecommunications, Hyderabad, by holding the action of the respondents in not reengaging him as illegal, arbitrary, discriminatory violative of Articles 14 and 16 of the Constitution.

4. The Department of Personnel have issued a circular prohibiting engagement of fresh casual labours who were not sponsored through Employment Exchange after 30-6-1988. It is stated that the applicant herein was engaged without being sponsored by the Employment exchange in the year 1993. Hence, he cannot be treated in the same footing as that of the Casual labour engaged for casual service on the basis of the sponsorship by Employment exchange. However, it is to be noted that the applicant herein has gained some experience in the working of the Department due to his past experience. In view of this he should be considered as better substitute as compared to freshers from open market if such fresh candidates are going to be engaged who are not sponsored by the Employment exchange.

5. As the applicant was engaged in 1993 without following instructions of Government of India, he cannot claim the benefit of his past services such as seniority etc. even if he is engaged in future if there is work in preference to freshers who were not sponsored by the Employment exchange from open market.

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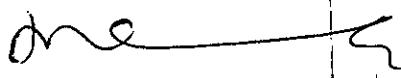
6. In the result the following direction is given :

The applicant herein should be engaged in future, if there is work and need exists to employ casual labour, in preference to freshers from the open market who were not sponsored by the Employment exchange in the unit from which he was alst disengaged.

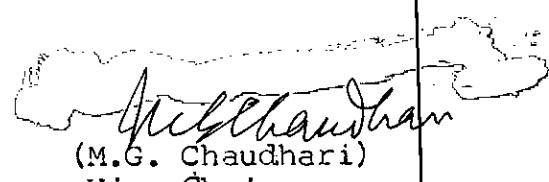
It is emphasised that the applicant will not reap any benefit of his past services even if he is reengaged in future. If in pursuance of this direction he is going to be reengaged in future, none of the Casual labour who are already in Casual service shall be disengaged.

7. Mr. K. Bhaskar Rao to file memo of appearance.

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



(R. Rangarajan)
Member (Admn.)



(M.G. Chaudhari)
Vice Chairman

Dated : June 14, 96
Dictated in Open Court



D. R. M.
Deputy Registrar (D.C.C.)

sk

W.A. 634/96.

To

1. The Telecom District Manager,
Anantapur.
2. The Chief General Manager,
Telecommunications,
Doorsanchar Bhavan, Hyderabad.
3. One copy to Mr.K.venkateswar Rao, Advocate, CAT.Hyd.
4. One copy to Mr. K.Bhaskar Rao, Addl. OGSC.CAT.Hyd.
5. One copy to Library, CAT.Hyd.
6. One spare copy.

p.v.m.

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4/7/96

I COURT

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE M.G.CHAUDHARI
VICE-CHAIRMAN

AND

THE HON'BLE MR.H.RAJENDRA PRASAD:M(A)

Dated: 14-6-1996

ORDER/JUDGMENT

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

in

O.A.No. ~~595/96~~ 634/96

T.A.No. (W.P.)

Admitted and Interim Directions

issued.

Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

pvm

केन्द्रीय अध्यासाधिक अधिकारण
Central Administrative Tribunal
प्रेषण/DESPATCH

- 1 JUL 1996

हैदराबाद न्यायालय
HYDERABAD BENCH

a/w with CA copy
No Spare copy