

(22)

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

ORIGINAL APPLICATION NO.644 of 1996

DATE OF ORDER: 13.6.96

BETWEEN:

K.KISHAN

.. Applicant

and

1. The Sub Divisional Officer, Telecom,
Mahabubnagar,

2. The Telecom District Engineer,
Mahabubnagar,

3. The Chief General Manager, Telecom,
Doorsanchar Bhavan,
Hyderabad.

.. Respondents

COUNSEL FOR THE APPLICANTS: Shri K.VENKATESWARA RAO

COUNSEL FOR THE RESPONDENTS: SHRI K.RAMULU, Addl.CGSC

CORAM:

HON'BLE SHRI JUSTICE M.G.CHAUDHARI, VICE CHAIRMAN

HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMINISTRATIVE)

JUDGEMENT

(AS PER HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMINISTRATIVE))

Heard Shri K.Venkateswara Rao, learned counsel
for the applicant and Ms.Shama for Shri K.Ramulu, learned
standing counsel for the respondents.

2. This OA is filed praying for declaration 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, Telecom and also as per letter
No.TA/LC/1-2/III, dated 21.10.91 and Lr.No.TA/RE/20-

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2/Rlgs/Corr., dated 22.2.93 issued by the Chief General Manager, Telecom, 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 of India.

3. The applicant was engaged as casual mazdoor with effect from 1.4.83 under R-I and he was continued in that capacity till 31.7.84 with artificial breaks in between. During that spell of engagement as casual labourer it is stated that he had completed 400 days of casual service. He was not reengaged after 31.7.84.

4. In view of the above, the application is filed with the prayer as indicated above.

5. The applicant had worked as casual mazdoor earlier. It has to be held that he had acquired some experience in the working of the department due to his past service. In view of this consideration, he is a fit person to be engaged, if there is work in future and need to engage casual labourers, instead of freshers from the open market. But he had been disengaged way back in 1984. Hence the long absence from 1984 till he is reengaged cannot be condoned. It is also to be added that in case in pursuance of this judgement he is going to be reengaged, none who is already in casual service shall be retrenched.



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

The applicant shall be reengaged as casual mazdoor in future if there is work in the same unit from which he was last ~~retrenched~~ ^{disengaged} in preference to freshers from the open market. If in pursuance of this order, he is going to be reengaged, none who is already in casual service shall be ~~retrenched~~ ^{disengaged}.

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



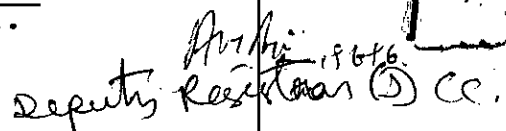
(R. RANGARAJAN)
MEMBER (ADMN.)



(M.G. CHAUDHARI)
VICE CHAIRMAN

DATED: -13th June, -1996.
Open court dictation.

vsn



Deputy Registrar (D) Cc.

OA 6uu/96

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To

1. The Sub Divisional Officer, Telecom,
Mahabubnagar.
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.Hyd.
5. One copy to Mr.K.Ramulu, Addl.CGSC.CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

pvm.

8/26/96

I COURT

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COMPARED BY APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

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

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

Dated: 13-6-1996

ORDER/JUDGMENT

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

in

O.A.No. ~~89578~~ 644/96

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

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.

pvm

