

(19)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.652 of 1996

DATE OF ORDER:13.6.96

BETWEEN:

B.ERESH

... Applicant

and

1. The Telecom District Manager,
Anantapur,
2. The Chief General Manager, Telecom,
Doorsanchar Bhavan,
Hyderabad.

.. Respondents

COUNSEL FOR THE APPLICANTS: Shri K.VENKATESWARA RAO

COUNSEL FOR THE RESPONDENTS: SHRI V.VINOD KUMAR, 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 Shri V.Vinod Kumar, learned standing
counsel for the respondents.

2. The applicant in this OA was engaged as casual
mazdoor under R-1 with effect from 1.4.93 and he was
continued in that capacity till 15.2.95 with artificial
breaks in between. During that engagement, it is stated
that he had completed 370 days of casual service. He was

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not reengaged thereafter. This OA is filed praying for a 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, Telecom and also as per the Lr.No.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, 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.

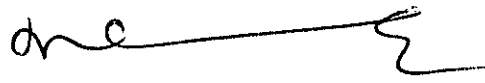
3. The Department of Personnel had issued instructions waiving the condition for engagement of casual labourers who are engaged earlier to 30.6.88. After that date, any engagement to be made to casual service should be through the employment exchange. But as seen from the facts of this OA, the applicant was engaged after 1.4.93 and that too without going through the employment exchange. Hence he has no locus standi for consideration for engagement as casual labourer in future even if there is work if candidates sponsored by the employment exchange are available. In case the authorities prefer to engage casual labourers other than through employment exchange, then the case of the applicant may have to be considered in preference to freshers to be employed from the open market against

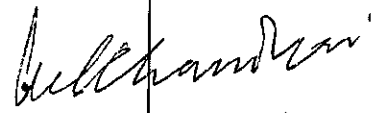
future vacancies if there is need for engagement of casual labourers. The applicant having been disengaged on 15.2.95 cannot claim continuity of his service as he had been discharged long back.

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

The applicant should be reengaged in future if there is work in preference to freshers from the open market who are not sponsored by the employment exchange in the same unit from which he was last ^{disengaged} ~~retrenched~~. If he is going to be engaged in pursuance of this order, none of the casual labourers who are ~~also~~ in casual service shall be ^{disengaged} ~~retrenched~~. It is also made clear that he cannot claim the benefit of ^{his} ~~past~~ service.

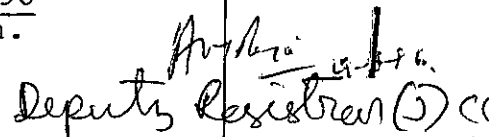
5. The OA is ordered accordingly at the admission stage. No costs.


(R. RANGARAJAN)
MEMBER (ADMN.)


(M.G. CHAUDHARI)
VICE CHAIRMAN

DATED: 13th June, 1996
Open court dictation.

vsn


Deputy Registrar (S) CC

(22)

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U.A.No. 652/96.

To

1. The Telecom District Manager,
Anantapur.
2. The Chief General Manager, Telecom,
Doorsanchar Bhavan, Hyderabad.
3. One copy to Mr.K.Venkateswar Rao, Advocate, CAT.Hyd.
4. One copy to Mr.V.Vinoth Kumar, Addl.CGSC. CAT.Hyd.
5. One copy to Library, CAT.Hyd.
6. One spare copy.

pvm.

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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. *R. Ravi Kumar* ~~RAVENHILL ROAD~~ M(A)

Dated: 13-6-1996

~~ORDER~~/JUDGMENT

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

in

O.A.No. ~~595/96~~ 652/96.

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. 28 JUN 1996

No order as to costs.

HYDERABAD BENCH

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for copy of order