

(27)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No 247/96.

Date of order : 30.7.1996.

Between

Md. Zahed Ali

.. Applicant

And

1. The Telecom. District
Manager,
Nizamabad.

2. The Chief General Manager,
Telecommunications,
Doorsanchar Bhavan,
Hyderabad.

.. Respondents

Counsel for the Applicant

.. Shri Ch.Jagannatha Rao

Counsel for the Respondents

.. Shri V.Rajeswara Rao, CGSC

C O R A M

Hon'ble Shri Justice M.G.Chaudhari : Vice-Chairman

Hon'ble Shri H.Rajendra Prasad : Member(A)

Order

(Per Hon'ble Shri Justice M.G.Chaudhari, Vice-Chairman)

The applicant contends that he was engaged as a Casual Mazdoor under the control of the respondents from 1.1.77 to 25.3.79 with artificial break and completed about 560 days of casual service but thereafter he was disengaged. The applicant prays that it may be declared that he is entitled for re-engagement as Casual Mazdoor. In the first place as the disengagement took place in 1979 the present claim is belated in the sense that it cannot be correlated with the original casual engagement. In so far as re-engagement as a fresh applicant is concerned, there is a bar against engagement of casual labour prevalent in the Department. In order to relieve some hard cases and in keeping with the decision of the

.....2

hll

Hon'ble Supreme Court schemes have been prepared from time to time for regularisation and grant of temporary status to casual workers. None of the schemes are applicable to the applicant as the schemes relate to dates much afterwards.

The main ground on which the learned counsel for the applicant has pressed the application is that in similar cases this Tribunal had ^{earlier} passed ~~earlier~~ directions to engage casual labour who had worked in the past in future vacancies whenever work will be available in preference to freshers from the open market. The decision in O.A.No.208/96 dated 15.2.96 is relied upon. It is pointed out that the applicant in that case also was engaged as a Casual Mazdoor between 1975 and 1976 and had completed 219 days of casual service but still the decision as above was given.

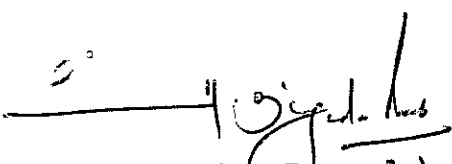
2. The respondents had issued a circular on 30.10.91 (annexure A-II) referring the ^{orders} ~~judgement~~ on the point rendered by this bench relating to nearly 150 workers. In the light of that decision even at that stage the respondents had taken a decision that a seniority list ^{be} ~~of~~ those workers ~~may~~ prepared and the benefits directed by the Tribunal may be extended to the Casual Mazdoors who were engaged after 30.3.85. Even the applicants are not covered ^{even} by that direction. Much water has flown thereafter. Various instructions have been issued by the Director-General, Telecommunications. We may refer to the instructions dated 31.10.91 and 22.2.93. Those instructions do not apply to the applicant. The position therefore is that the applicant has no claim for re-engagement as a matter of right. We cannot also direct his recruitment contrary to the existing policy of recruitment and ban on recruitment of casual workers. By issuing any such direction we will be giving rise to a mode of recruitment not prescribed under the rules of the respondents. No question of any discrimination


Full

can arise.

3. We are inclined to look upon the decision in O.A.No.208/96 as confined to the applicant in that case. Since the decision does not lay down any ratio about the eligibility of casual workers who had worked in the distant past to be re-engaged, we do not with respect consider bound by that decision nor are persuaded to pass an order on similar lines.

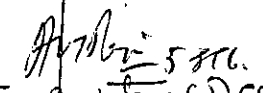
4. We find no merit in this application and the same is rejected.


(H. Rajendra Prasad)
Member (A).


(M.G. Chauchari)
Vice-Chairman.

Dated: 30.7.1996.
Dictated in Open Court.

br.

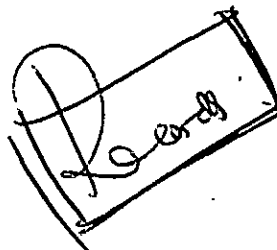

Deputy Registrar (CC)

O.A.47/96.

To

1. The Telecom District Manager,
Nizamabad.
2. The Chief General Manager,
Telecommunications, Doorsanchar Bhavan,
Hyderabad.
3. One copy to Mr.Ch.Jagannatha Rao, Advocate, CAT.Hyd.
4. One copy to Mr.V.Rajeswar Rao, CGSC. CAT.Hyd.
5. One copy to Library, CAT.Hyd.
6. One spare copy.

pvm



I COURT

TYPED BY

CHECKED BY

COMPARED BY

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: 30 - 7 - 1996

ORDER/JUDGMENT

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

in

O.A.No. 595/96

847/96

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

