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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.90/99.

Dt. of Decision : 20-04-99.

D.Venkata Rao

.. Applicant.

Vs

1. The Assistant Engineer,
Transmission (REP),
Vijayawada.
2. The General Manager,
Telecom District,
Vijayawada.
3. The Chief General Manager,
Telecommunication,
Doorsanchar Bhavan,
Hyderabad.

Counsel for the applicant : Mr.T.V.V.S.Murthy

Counsel for the respondents : Mr.B.N.Sharma,Sr.CGSC.

CORAM:-

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

ORDER

Heard Mr.T.V.V.S.Murthy, learned counsel for the applicant and Mr.Jacob for Mr.B.N.Sharma, learned counsel for the respondents.

2. The applicant in this OA was engaged on 1-3-88 as Casual Labour and worked for 215 days and 28 days in the years 1988 and 1989 in the office of the Assistant Engineer, Telecom (Railway Electrification Project), Vijayawada. He was not re-engaged after that period.

..2/-



3. This OA is filed for a declaration that the applicant is entitled for reengagement as Casual Mazdoor under the control of General Manager, Telecommunication, Vijayawada 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 21-10-91 and Lr.No.TA/RE/20-2/Rlgs./Corr., dated 22-2-93 issued by the Chief General Manager, Telecommunications, 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.

4. A reply has been filed in this OA. The main contention of the respondents is that the applicant was engaged only for a short period 215 days and 28 days in the years 1988 and 1989 and later he left the department on his own accord. Hence, the question of re-engaging him does not arise. Further the applicant was dis-engaged some time in January, 1989 and he preferred his representation on 12-10-97 for re-engagement. Earlier he has not applied for reengagement. This is a belated representation and hence the representation was not considered as the applicant kept quite for over 8 years. On that contention the respondents submit that the OA has to be dismissed.

5. It is a fact that the applicant has not worked after 1989. The respondents submit that he left the department on his own accord. Whereas the rejoinder it was denied. But there is no proof to come to the conclusion either way. If the applicant submits that he was discharged irregularly then he should have invoked I.D.Act for getting necessary relief. But the applicant kept quite till 1997 when he submitted his first representation after a lapse of about 8 years. It is not understood why the

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applicant had kept quite for such a long time. Belated representation cannot give the applicant any relief if he has not approached the department or the judicial forum for getting the relief as prayed for in this OA. Though the applicant request that he may be engaged as fresher instead of engaging a fresher from the open market as he has got some experience it cannot be directed so as there is a ~~ban~~ on recruitment of casual labours in the department.

6. In view of what is stated above the OA is liable to be dismissed because of delay and latches and also it is stated that the fresh casual labours are not engaged now.

7. In view of the above, the OA is dismissed. But this dismissal will not stand in the way of the respondents to engage him as fresh in the place of freshers from the open market if there is need to engage casual labourers in the department in future.

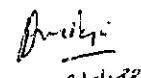
8. No costs.



(R.RANGARAJAN)
MEMBER(ADMN.)

Dated : The 20th April, 1999.
(Dictated in the Open Court)

spr



21-4-99

COPY TO:-

1. HDHNO
2. HHRP M(A)
3. HOSJP M(J)
4. B.R. (A)
5. SPARE

1ST AND 2ND COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD.

THE HON'BLE MR. JUSTICE D.H.NASIR :
VICE - CHAIRMAN

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

THE HON'BLE MR. R.RANGARAJAN :
MEMBER (A)

THE HON'BLE MR. B.S.JAI PARAMESWAR :
MEMBER (J)

DATED: 20/4/99

ORDER / JUDGEMENT

MR. / R. A. / C.P. No.:

IN
C.A. No. 90/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED.

ALLOWED.

C.P. CLOSED.

R.A. CLOSED.

DISPOSED OF WITH DIRECTIONS.

DISMISSED.

DISMISSED AS WITHDRAWN.

ORDERED/REJECTED.

NO ORDER AS TO COSTS.

