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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
HYDERABAD

O.A.No.218 of 1999.

Date of Order:16-9-1999.

Between:

Ch. Krishnam Raju.

.....Applicant

A n d

1. Union of India, represented by Chief
General Manager, AP Telecom Circle,
Abids, Hyderabad.
2. The Telecom District Engineer,
Bhimavaram.
3. The General Manager, Telecom,
Eluru, West Godavari.

.....Respondents

COUNSEL FOR THE APPLICANT :: Mr. R. Yogender Singh

COUNSEL FOR THE RESPONDENTS :: Mr.B.Narsimha Sharma

CORAM:

THE HON'BLE SRI JUSTICE D.H.NASIR, VICE CHAIRMAN

: O R D E R :

ORAL ORDER (PER HON'BLE SRI JUSTICE D.H.NASIR, VICE CHAIRMAN)

Heard the learned Counsel Mr. R.Yogender Singh for the Applicant and
Mr.M.C.Jacob for Mr.B.Narsimha Sharma, learned Standing Counsel for the
Respondents.

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Heard the learned Counsel Mr. R.Yogender Singh for the Applicant and Mr.M.C.Jacob for Mr.B.Narsimha Sharma, learned Standing Counsel for the Respondents.

2. The respondents are sought to be directed in this OA to re-engage the applicant into service besides grant of temporary status to him with all consequential benefits.

3. Earlier an OA was filed by the present applicant being OA.No.1563 of 1995, which was decided by this Tribunal on 21-12-1995, with a direction as contained in Paragraph 5 of the said Order that the applicant should be re-engaged in future, if there is work, in preference to freshers from open market in the same unit in which he served last. A further direction was given that if he is re-engaged in pursuance of the said order, none who is already in service should be dis-engaged.

4. Since such Order is already in existence, I do not find it necessary to issue any fresh order in the same terms as given in OA.No.1563 of 1995. No further direction ^(w) is therefore, in my opinion, is required to be passed in the present OA except that the direction already contained in Paragraph 5 of the said order be kept in view by the respondents and re-engagement may be granted as and when necessity of engaging casual labour arises.

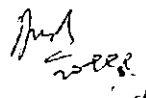
5. A submission is made by the learned Counsel Mr.Yogender Singh for the Applicant that a direction should also be given to the respondents to engage the applicant even on contract basis. However, in my opinion, it would not be in fitness of ^(w)

things for this Tribunal to give a direction to the respondents to engage the applicant if and when necessary on contract basis in view of the fact that if a worker is to be engaged on contract basis, his employer would be the Contractor and not the Department and therefore I do not consider it to be legal and proper to give such a direction to the respondents.

6. The OA is disposed of. No order as to costs.


(D.H. NASIR)
VICE CHAIRMAN

DATED this the 16th day of September, 1999
Dictated in the Open Court


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