

(V)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD.  
O.A.NO.881 of 1995.

Dated: 9.8.1995.

Between

Khaja Aneesuddin

...

Applicant

And

1. The Telecom District Engineer, Karimnagar District Telecommunications, Karimnagar, A.P.  
2. The Sub Divisional Officer, Telecom., Jagtial Sub Division, Jagtial, Karimnagar.

...

Respondents

Counsel for the Applicants

: Sri. P.Naveen Rao

Counsel for the Respondents

: Sri. K.Ramloo, Addl. CGSC.

CORAM:

Hon'ble Mr. Justice Ve.Neeladri Rao, Vice Chairman  
Hon'ble Mr. R.Rangarajan, Administrative Member

Contd

O.A.No.881/95

Dt. of decision: 01.8.1995.

JUDGEMENT

( As per Hon'ble Sri R.Rangarajan, Member (Admv.) )

Heard the counsel for both the parties.

2. The applicant pleads that he was initially engaged as Casual Mazdoor in September, 1986 under the control of R-2 and thereafter he was engaged during the period from September, 1986 and 15.7.1991 with breaks as casual mazdoor as per the details given at page-8 of materials papers filed along with the O.A. Thereafter his services were terminated and later he was not re-engaged.

3. This O.A. has been filed praying for a declaration that the applicant is entitled for reengagement as per C.G.M., A.P.Telem Proc.No.TA/RE/20-1/Rigs/Corr, Jt.22.2.9 as Casual Mazdoor under the control of respondents by holding that 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.

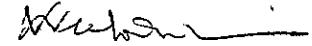
4. As per the details furnished by the applicant, he was not engaged after 15.7.1991 for any considerable period. Hence, the question of condoning the break does not arise. As such, he is not eligible to claim seniority on the basis of his earlier service in different spells.

5. In view of what is stated by the applicant, it has to be presumed that he had gained some experience in the work in the Telecom Department. So, it is in the

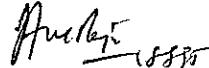
interest of the department, if he is engaged in preference to a fresher whenever work is available. So, the only relief that can be granted is to direct the 2nd respondent to re-engage the applicant as Casual Mazdoor in preference to freshers whenever there is work. If the applicant is going to be engaged in pursuance of this order, none shall be retrenched who are already in service.

6. The O.A. is ordered accordingly at the admission stage itself. No costs.

  
( R. Rangarajan)  
Member (A)

  
( V. Neeladri Rao )  
Vice Chairman

Dt. 9.8.95

  
Dy. Registrar (Jud1)

kmv

Copy to:-

1. The Telecom District Engineer, Karimnagar District Telecommunications, Karimnagar, A.P. With O.A. Copy
2. The Sub-Divisional Officer, Telecom, Jagtial Sub-Division, Jagtial, Karimnagar.
3. One copy to Sri P. Naveen Rao, Advocate, CAT, Hyd.
4. One copy to Sri K. Ramloo, Addl. CGSC, CAT, Hyd.
5. One copy to Library, CAT, Hyd.
6. One spare copy.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR. JUSTICE V. NEELADRI RAO  
VICE CHAIRMAN

A N D

THE HON'BLE MR. R. RANGARAJAN: (M(ADMN)

DATED 9-5 1995.

ORDER/JUDGMENT:

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

O.A. No.

in 881195

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.~~

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