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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A. No. 314 OF 1996

DATE OF ORDER : 30-7-1998

BETWEEN :

Iqbal Khan ... Applicant

AND

1. The Area Manager (South)
Hyderabad Telecom. District.
Hyderabad 500 033.
2. The Director General,
Telecom.
(Representing Union of India)
New Delhi 110001. ... Respondents

Counsel for the Applicant - Shri C. Suryanarayana
Counsel for the Respondents - Shri V. Rajeswara Rao

Coram :

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

The Hon'ble Shri B.S. Jai Parameshwar, Member (J)

(Order per Hon'ble Shri B.S. Jai Parameshwar, Member (J))

Heard Shri C. Suryanarayana for the Applicant and
Shri V. Rajeswara Rao, Learned Standing Counsel for the
Respondents.

The Applicant herein was engaged first as Casual
Labourer on 2.2.85 under R-3. Thereafter he was engaged
to
from time/time till 1-12-1988, the date from which he
was not engaged. At that time the Applicant had approached
this Tribunal in O.A. 1040/90. In the said O.A. this
Tribunal directed the Respondents to consider, for the
purposes of seniority, the Applicant should have been
deemed to have worked for such number of days that can
be arrived at on the basis of average number of days

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worked for one calendar year prior to 1.12.1988. Further it was subject to the condition that he should not be placed as senior to his erstwhile senior by 1.12.1988."

After the decision in the said O.A., the Applicant submitted a representation dated 3.5.1994.

The representation was considered and by the impugned order (Annexure III) dated 17.10.1994 he was directed to supply certain particulars.

At that stage the Applicant filed this O.A. for a direction to the Respondents to produce the seniority list of casual mazdoors of Hyderabad Telecom. District as on 1.12.1988 indicating his position therein, as per the directions of this Tribunal and to absorb him in the regular establishment, if any of his juniors shown therein has or have been absorbed or were being absorbed according to their turn in the said seniority list, besides granting him other appropriate reliefs.

The Respondents have filed a counter stating that as per the interim order passed in the O.A., dated 21.10.91 for reengaging the Applicant and to fix a seniority, he was engaged, subject to the condition that he would not be placed as senior to his erstwhile senior by 1.12.88.

With regard to the representation dated 3-5-94, the Respondents submit that the same was rejected for the reasons stated therein. They submit that the Applicant was granted temporary status w.e.f., 1.10.89 vide letter dated 7.2.97, Annexure R-I to the reply, i.e., during the pendency of the O.A.

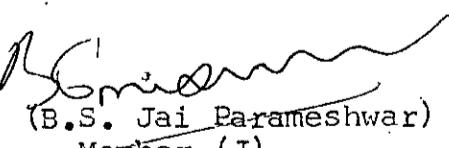
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The Applicant was engaged from 2.2.85. This Bench while considering his earlier O.A. No. 1040/90 directed the Respondents to consider that the Applicant should be deemed to have worked for such number of days that ~~can be~~ ^{could} arrived at on the basis of the average number of days worked for one calendar year prior to 1.12.88 and thus his seniority should be fixed, however, subject to the condition that he should not be placed as senior to his erstwhile senior by 1.12.88.

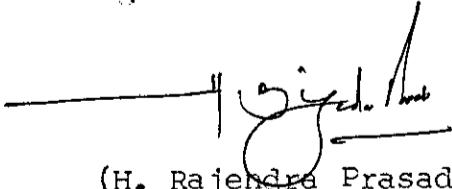
The Respondents have not stated whether they have complied with the directions issued by this Tribunal in the earlier O.A. They have not said as to the number of days the Applicant had worked in a particular calendar year prior to 1.12.88.

The Respondents shall fix the seniority of the Applicant strictly in accordance with the directions given in O.A. No. 1040/90. Further more, if any of the Casual Labourers who are engaged after the Applicant was engaged on 2.2.85 have been regularised thereafter, it becomes necessary to direct the Respondents to regularise the services of the present Applicant from the same date on which his next junior was so regularised. This action shall be completed in two months time from the date of receipt of a copy of this order.

Thus the O.A. is disposed of. No costs.


(B.S. Jai Parameshwar)
Member (J)

30.7.98


(H. Rajendra Prasad)
Member (A)

DICTATED IN OPEN COURT

Dated : 30.7.1998


Deputy Registrar

...js/-

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TYPED BY ~~27/8/98~~ CHECKED BY
COMPARED BY APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE

VICE-CHAIRMAN

AND

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

The Hon'ble Mr. B.S.Jaipatnam & S.M.(S)
DATED: 31-7-1998.

ORDER/JUDGMENT

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

in

O.A.No.

314/96

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..

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