

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
HYDERABAD**

O.A. No. 020/00411/2014

HYDERABAD, THIS THE 24th DAY OF DECEMBER, 2019

THE HON'BLE MR .JUSTICE L NARASIMHA REDDY, CHAIRMAN.

THE HON'BLE MR. B.V.SUDHAKAR, MEMBER (A)



1. K. Das, S/o. K. Dayasali,
Aged about 51 years, Occ: Casual Labour,
O/o. Head Record Office, RMS Y Division,
Vijayawada.
2. P. Peterpal, S/o. P. Ashirvadam,
Aged about 58 years, Occ: Casual Labour,
O/o. Head Record Office, RMS Y Division,
Vijayawada.
3. K. Rama Rao, S/o. K. Rosaiah,
Aged about 48 years, Occ: Casual Labour,
O/o. Head Record Office, RMS Y Division,
Vijayawada.
4. Ch. Adam, S/o. Ch. Basavaiah,
Aged about 45 years, Occ: Casual Labour,
O/o. Head Record Office, RMS Y Division,
Vijayawada.
5. P. Yesudas, S/o. P. Satyanandam,
Aged about 51 years, Occ: Casual Labour,
O/o. Head Record Office, RMS Y Division,
Vijayawada.
6. M. Karun Raju, S/o. M. Balaswami,
Aged about 44 years, Occ: Casual Labour,
O/o. Head Record Office, RMS Y Division,
Vijayawada.
7. P. John Joseph, S/o. P. Balaswamy,
Aged about 50 years, Occ: Casual Labour,
O/o. Head Record Office, RMS Y Division,
Vijayawada.

8. T. Kesava Rao, S/o. T. Parameswar Rao,
Aged about 48 years, Occ: Casual Labour,
O/o. Head Record Office, RMS Y Division,
Vijayawada.
9. B. Abhraham, S/o. B. Sadu,
Aged about 48 years, Occ: Casual Labour,
O/o. Head Record Office, RMS Y Division,
Vijayawada.
10. K. Chandrababu, S/o, Elia,
Aged about 48 years, Occ: Casual Labour,
O/o. Head Record Office, RMS Y Division,
Vijayawada.
11. M. Vijayalakshmi, W/o. Koti Reddy,
Aged about 44 years, Occ: Casual Labour,
O/o. Head Record Office, RMS Y Division,
Vijayawada.
12. G. Yedukondalu, S/o. G. Veeraiah,
Aged about 35 years, Occ: Casual Labour,
O/o. Head Record Office, RMS Y Division,
Vijayawada.
13. K. Sudhakar, S/o. K Paul,
Aged about 38 years, Occ: Casual Labour,
O/o. Head Record Office, RMS Y Division,
Vijayawada.
14. G. Satyanarayana, S/o. G. Venkataratnam,
Aged about 37 years, Occ: Casual Labour,
O/o. Head Record Office, RMS Y Division,
Vijayawada.
15. K. Tipparaiah, S/o. K. Rajarao,
Aged about 44 years, Occ: Casual Labour,
O/o. Head Record Office, RMS Y Division,
Vijayawada.
16. M. Krupamma, S/o. M.Dasu,
Aged about 50 years, Occ: Casual Labour,
O/o. Head Record Office, RMS Y Division,
Vijayawada.
17. B. Kantharao, S/o. B. Samuel,
Aged about 48 years, Occ: Casual Labour,
O/o. Head Record Office, RMS Y Division,
Vijayawada.



18. K.J.Kishor Babu, S/o. K.Ramachander Rao,
Aged about 40 years, Occ: Casual Labour,
O/o. Head Record Office, RMS Y Division,
Vijayawada.
19. M. Nagamani, D/o. G. Gangaraju,
Aged about 47 years, Occ: Casual Labour,
O/o. Head Record Office, RMS Y Division,
Vijayawada.
20. Sk. Abdul Qadar, S/o. Shaik Abdullah,
Aged about 48 years, Occ: Casual Labour,
O/o. Head Record Office, RMS Y Division,
Vijayawada.
21. B. Hima Kumari, D/o. B. Nageswar Rao,
Aged about 32 years, Occ: Casual Labour,
O/o. Head Record Office, RMS Y Division,
Vijayawada.
22. S. Ravi Babu, S/o. Radhakrishna Murthy,
Aged about 38 years, Occ: Casual Labour,
O/o. Head Record Office, RMS Y Division,
Vijayawada.
23. N. Rajya Laxmi, D/o. Janapathi Rao,
Aged about 45 years, Occ: Casual Labour,
O/o. Head Record Office, RMS Y Division,
Vijayawada.
24. K.Chandrasekar, S/o. K. John,
Aged about 40 years, Occ: Occ: Casual Labour,
O/o. Head Record Office, RMS Y Division,
Vijayawada.
25. Ch. Nookaveni, D/o. Ch. Venkanna,
Aged about 35 years, Occ: Casual Labour,
O/o. Head Record Office, RMS Y Division,
Vijayawada.
26. A. Nageswara Rao, So. Adinarayana,
Aged about 39 years, Occ: Casual Labour,
O/o. Head Record Office, RMS Y Division,
Vijayawada.
27. Sk. Basha, S/o. S. Masthan,
Aged about 35 years, Occ: Casual Labour,
O/o. Head Record Office, RMS Y Division,
Vijayawada.



28. S. Srinivas, S/o. S. Mangaiah,
Aged about 43 years, Occ: Casual Labour,
O/o. Head Record Office, RMS Y Division,
Vijayawada.
29. N.S.N. Rani. D/o. Venkateswarlu,
Aged about 26 years, Occ: Casual Labour,
O/o. Head Record Office, RMS Y Division,
Vijayawada.
30. K. Rajini, D/o. Balaraju,
Aged about 37 years, Occ: Casual Labour,
O/o. Head Record Office, RMS Y Division,
Vijayawada.
31. G. Swaroopa Rani, D/o. Mohan Rao,
Aged about 35 years, Occ: Casual Labour,
O/o. Head Record Office, RMS Y Division,
Vijayawada.
32. K.P. Gandhi, S/o. Rabinhood,
Aged about 28 years, Occ: Casual Labour,
O/o. Head Record Office, RMS Y Division,
Vijayawada.
33. P. Manohar Babu, S/o. Veeraiah,
Aged about 24 years, Occ: Casual Labour,
O/o. Head Record Office, RMS Y Division,
Vijayawada.
34. Sk. Islam, S/o. Sk. Masthan,
Aged about 28 years, Occ: Casual Labour,
O/o. Head Record Office, RMS Y Division,
Vijayawada.
35. Ch. Padma Priya, D/o. Israil,
Aged about 37 years, Occ: Casual Labour,
O/o. Head Record Office, RMS Y Division,
Vijayawada.
36. B. Chinna Rao, S/o. B. Paul,
Aged about 36 years, Occ: Casual Labour,
O/o. Head Record Office, RMS Y Division,
Vijayawada.
37. V. Purnachander Rao, S/o. Satyanarayana,
Aged about 42 years, Occ: Casual Labour,
O/o. Head Record Office, RMS Y Division,
Vijayawada.

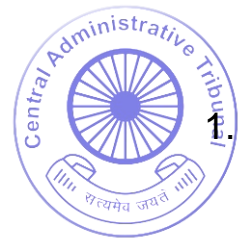


38. J. Yesudasu, S/o. Gopaiah,
Aged about 48 years, Occ: Casual Labour,
O/o. Head Record Office, RMS Y Division,
Vijayawada.
39. T. Jaya Kumar, S/o. Izak,
Aged about 35 years, Occ: Casual Labour,
O/o. Head Record Office, RMS Y Division,
Vijayawada.

APPLICANTS

(By Advocate: Dr. Raghu Kumar)

Vs.



Union of India rep by the
Director General of Posts, Dak Bhavan,
Parliament Street, New Delhi.

2. The Chief Postmaster General,
A.P. Circle, Abids, Hyyderabad- 500001.
3. The Postmaster General,
Vijayawada Region, Gandhinagar,
Vijayawada-3.
4. The Director of Postal Services,
O/o. Postmaster General,
Vijayawada Region, Gandhinagar,
Vijayawada-3.
5. The Superintendent,
Railway Mail Service `Y` Division,
Vijayawada- 520001.
6. The Head Record Officer,
Railway Mail Service `Y` Division,
Vijayawada.

RESPONDENTS

(By Advocate: Mr. M.Venkata Swamy, Addl. CGSC)

ORAL ORDER

(PER HON'BLE Mr. JUSTICE L.NARASIMHA REDDY, CHAIRMAN)

Applicants state that they are working as casual labour in various Post Offices in the State of Andhra Pradesh. It is their case that they were being paid the wages prescribed by the Central Government in the respective notifications. The grievance of the applicants is that the Superintendent, Railway Mail Service 'Y' Division, Vijayawada (Respondent No.5) issued a letter dated 21.02.2014 directing that the wages shall be paid as per the rates prescribed by the concerned State Governments. The applicants contend that such a notification is contrary to the law and is opposed to the various measures taken by the Department. In this OA., apart from challenging the order dated 21.02.2014, applicants claim the relief of regularisation of service and other attendant benefits. Applicants contend that they are working for the past several years in the casual capacity and as per the Scheme that has been evolved by the Department of Posts over the period, they are entitled to be regularised in the service and till such time, respondents are under obligation to pay the wages prescribed under the notification issued by the Central Government.

2.. Respondents have filed counter affidavit opposing the OA. It is stated that the applicants have earlier filed an O.A seeking the relief of regularization and their cases were also considered in



compliance with the directions issued by this Tribunal. It is stated that reasoned orders were passed indicating how, the applicants were not entitled to the benefit and that the applicants have suppressed that fact in this O.A. It is also stated that except that it reiterated the instructions issued earlier, the impugned order dated 21.02.2014 does not bring any new situation.

3. Heard Dr.A.Raghu Kumar, learned counsel for the applicants and Mr.M.Venkata Swamy, learned Addl. Central Govt. Standing Counsel for the respondents.

4. The relief claimed in this O.A. is in several facets. Firstly, they challenged the impugned order dated 21.02.2014 and sought wages in terms of the notification issued by the Central Government, secondly, they claimed the relief of regularization of services. A serious doubt arises as to whether the relief claimed in the earlier cases would bar the one claimed in the present OA, filed by as many as 39 persons.

5. Be that as it may, the impugned order dated 21.02.2014 does not bring any new situation. It only reiterated the earlier circulars and orders and it reads as under:

"This is regarding payment of wages to the outsiders.

You are instructed to follow the old procedure for drawal of allowances to the outsiders for the month of February-2014.

In this connection, you are advised to follow the Directorate guidelines strictly to make arrangements in vacant GDSMM/leave vacancies of GDSMM and draw the eligible allowances from March- 2014.

Further your attention is invited to this office letter cited under reference (ii) where in copies of Directorate letter No.2-20-2012/PCC-PCC dated 03.10.2013 along with DOP&T OM No.49014/2/86 Estt (C) dated 07.06.1988 were forwarded for taking necessary action as per the contents of para No. 2&3 of directorate letter No.2-20/2012-PCC-PCC dated 03.10.2013. You are once again re-iterated that to follow the instructions meticulously for drawl of eligible allowances.”



6.. Except requiring compliance with the earlier orders issued at different points of time, 5th Respondent did not change the situation. In fact, he has no authority to take a decision on the policy matters. The applicants are not able to point out as to how and why the impugned order can be treated as illegal or ultravires.

7.. The second relief claimed in the O.A. is about the regularisation of the service of the applicants. In paragraph 16 of the counter affidavit, respondents have categorically stated that the applicants have filed O.As on earlier occasion and their cases were also rejected on merits. The relevant paragraph reads as under:

“It is submitted that almost all the Applicants in the present OA/case have earlier filed various OAs before this Hon’ble Tribunal seeking regularization of their services and as per the directions of the Hon’ble Tribunal vide its common order/judgment dated 27.01.2012 in OAs No.25/2010, 169/2010 & 421/2010, the request of the applicants for regularization has been examined by the Department/Respondents in the light of the

judgment dated 28.07.2004 of Hon'ble Tribunal in OA No.1232/2003 and in the light of Directorate orders/guidelines in letters no.17-107/2000-ED & TRG dated 29.12.2000, Lr.No.17-107/2000-ED & TRG dated 14.3.2002 and OM No.49019/1/2006 Estt dated 11.12.2006 and found that the Applicants have not fulfilled the following eligibility conditions and accordingly detailed reasoned speaking orders were issued to the Applicants by the Respondents in compliance of the Hon'ble CAT orders.

- (i). He has not worked continuously in a single GDS post.*
- (ii) He has not been originally sponsored by the Employment Exchange*
- (iii) No appointment was given by any appointing authority.*

Further the present OA filed by the Applicants which includes the prayer of regularization of services cannot be entertained by this Hon'ble Tribunal as they filed OAs seeking regularization of their services earlier before this Hon'ble Tribunal and the same is hit by Res Judicata and liable to be dismissed on this ground alone."

8. Once the case of the applicants was considered and rejected on merits, same relief cannot be claimed in this O.A.
9. We do not find any merit in O.A. Accordingly, we dismiss OA.
10. There shall be no order as to costs.

(B V SUDHAKAR)
MEMBER (A)

(JUSTICE L.NARASIMHA REDDY)
CHAIRMAN

vsn