

**CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH**

**OA/21/1404/2014**

HYDERABAD, this the 9<sup>th</sup> day of December, 2020

**Hon'ble Mr. Ashish Kalia, Judl. Member  
Hon'ble Mr. B.V. Sudhakar, Admn. Member**



1. T. Laxmi, W/o.T. Balaiah @ Advaiah,  
Aged about 52 years, Occ: Casual Labour,  
R/o. H.No.1-9-268, Rajendranagar,  
Ranga Reddy District.
2. T. Manemma, W/o. T. Laxmaiah,  
Aged about 53 years,  
Occ: Casual Labour,  
R/o. H.No.1-26/3, Kismathpur,  
Rajendranagar Mandal,  
Ranga Reddy District.
3. K. Susheela, W/o. Kistaaiah,  
Aged about 50 years, Occ: Casual Labour,  
R/o. H.No.1-9-19, Rajendranagar,  
Ranga Reddy District.
4. K. Soudhamma, W/o. Soudhaiah,  
Aged about 51 years, Occ: Casual Labour,  
R/o. H.No.3-35, Kismathpur,  
Rajendranagar Mandal,  
Ranga Reddy District.
5. P. Laxmamma, W/o.P. Mallaiah,  
Aged about 50 years, Occ: Casual Labour,  
R/o. H.No.5-5-80, Manikyamma Colony,  
Rajendranagar Mandal, Ranga Reddy District.
6. S. Yellamma, W/o. S. Mallaiah,  
Aged about 50 years, Occ: Casual Labour,  
R/o. H.No.1-9-34, Dalitha Basthi, Rajendranagar,  
Ranga Reddy District.
7. K. Ponnamma, W/o. Balaiah,  
Aged about 55 years, Occ: Casual Labour,  
R/o. H.No.1-5-91, Budwel, Rajendranagar,  
Ranga Reddy District.
8. Y. Balamani, W/o. Kistaiah,  
Aged about 52 years, Occ: Casual Labour,

R/o. H.No.2-151, Kismathpur,  
Rajendranagar Mandal,  
Ranga Reddy District.

9. D. Sakku Bai, W/o. D. Venkataiah,  
Aged about 49 years, Occ: Casual Labour,  
R/o. H.No.3-114, Kismathpur,  
Rajendranagar Mandal, Ranga Reddy District.
10. K. Yadamma, W/o.Lingamaiah,  
Aged about 54 years, Occ: Casual Labour,  
R/o. H.No.3-63, Kismathpur, Rajendranagar Mandal,  
Ranga Reddy District.
11. M. Sathamma, W/o. M. Krishna,  
Aged about 45 years, Occ: Casual Labour,  
R/o. H.No.2-119, Kismathpur, Rajendranagar Mandal,  
Ranga Reddy District.
12. M. Yadamma, W/o. Narayana,  
Aged about 48 years, Occ: Casual Labour,  
R/o. H.No.2-49, Kismathpur, Rajendranagar Mandal,  
Ranga Reddy District.
13. M. Lakshamma (Lakshmi), W/o. Narasimha,  
Aged about 52 years, Occ: Casual Labour,  
R/o. H.No.2-21, Kismathpur, Rajendranagar Mandal,  
Ranga Reddy District.

...Applicants

(By Advocate : Sri K. Venkateswarlu)

Vs.

1. The Government of India rep. by its  
Commissioner of Labour (Central)  
Andhra Pradesh, Hyderabad.
2. The Director of Rice Research Centre,  
Indian Council of Agricultural Research,  
Rajendranagar, Hyderabad – 500 030.

....Respondents

(By Advocate : Smt C. Vani Reddy, SC for ICAR)

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**ORAL ORDER**  
**(As per Hon'ble Mr. B.V. Sudhakar, Administrative Member)**

**Through Video Conferencing:**

2. The OA is filed in regard to regularising the services of the applicants.



3. Brief facts are that the applicants have joined the respondents organization as casual labourer in 1987-1988 and have rendered about 27 years of service. Temporary status was conferred in the year 1997-98. TSL numbers have been issued. Respondents sent some casual labourers to a private hospital for medical tests and terminated some of them on false grounds of over age. Applicants are below the age of 45 years. Respondents are trying to replace the applicants with another set of casual labourers though they have put in long years of service.

4. The contentions of the applicants are that the respondents deciding not to consider the age of the applicants as below 45 years is arbitrary and illegal. Replacing the applicants with other casual labourers is in violation of the Principles of Natural Justice and contravenes Articles 14 & 16 of the Constitution. Applicants are illiterates and hence, the respondents are taking advantage of them. Some of the casual labourer who completed 5 years of service were regularized whereas applicants with about 27 years of service have not been.

5. Respondents in their reply statement state that the applicants filed OAs in the past for regularization of services which were disposed of on 19.3.2015. Applicants have not been selected against any sanctioned posts or through a proper process of selection. Applicants were granted

temporary status w.e.f. 1993. Consequent to grant of temporary status, to fix the Group C scale for the 146 matriculate and non matriculate casual labourers who were engaged, it was necessary to determine their age in the absence of any documentary evidence submitted by them and therefore, on their own request, they were sent to the Department of Forensic Medicine, Osmania Medical College and got the age fixed after due medical examination. No casual labourer was engaged after 1993.

6. None for the applicant though the matter was listed under the caption “for dismissal”. Heard Mrs. C. Vani Reddy, learned counsel for the respondents and perused the pleadings on record.

7. I. The issue is about regularization of the services of the applicant. In this regard, applicants have filed OAs 73/13, 86/13, 87/13, 370/12 which were disposed of on 19.3.2015, as stated in the reply. Surprisingly, applicants have not stated anything about the OAs filed by them nor did they file any rejoinder on the same refuting the contention of the respondents. As admitted by the applicants, they are illiterate and when they were conferred temporary status, to grant Group ‘C’ scale, it was necessary to assess their age by medical tests since the applicants failed to produce documentary evidence about their age. On the request of the applicants, they were got tested at the Department of Forensic Medicine of Osmania Medical College and their age fixed. Respondents state that they did not engage any casual labourer after 1993 and that all the temporary status casual labour will superannuate as per their age and that none were replaced by fresher's. The above facts were not denied by the applicants in the form of a rejoinder. Applicants have stated that 5 casual labourers have

been regularised which was denied by the 1d. respondent counsel and the applicants did not produce any documentary evidence to this effect. Applicants did not produce any documents to affirm that they were selected by the regular process of selection nor were they appointed against sanctioned posts as casual labourers. Above all, the dispute was already adjudicated by the Tribunal and disposed of in regard to regularization and therefore, the Principle of res judicata will apply.



Therefore, based on the facts and circumstances stated, there is no merit in the OA and hence is dismissed with no order as to costs.

**(B.V.SUDHAKAR)**  
**ADMINISTRATIVE MEMBER**

**(ASHISH KALIA)**  
**JUDICIAL MEMBER**

/al/evr/