

CENTRAL ADMINISTRATIVE TRIBUNAL
MADRAS BENCH

O.A. No.141/87

V Vijayaraghavan : Applicant

-Vs-

- 1 Union of India rep. by
its Secretary
Ministry of Water Resources
New Delhi)
- 2 The Executive Engineer
Southern Gauging Division
Central Water Commission
No.516, 47/A Cross Road
Division 35, Fifth Block,
Jaya Nagar, Bangalore.)
- 3 Executive Engineer,
Central Water Commission
South Western Rivers Division
No.28/338 Tharakandam Estate
Ravipuram PO, Cochin 682 015) : Respondents
- 4 Asstt. Executive Engineer
Mangalore Gauging Sub Division
Central Water Commission
Block No.7, Ullal, Mangalore.)
- 5 Superintending Engineer
Krishna Cauvery Circle
Central Water Commission, P.B.
No.324, G.P.O, Hyderabad 500 001
Andhra Pradesh)

M/s C Khalid and G Mohan : Counsel of Applicant

Mr PV Madhavan Nambiar, Sr CGSC : Counsel of Respondents

CORAM

Hon'ble Shri G Sreedharan Nair, Judicial Member

and

Hon'ble Smt. J Anjani Dayanand, Administrative Member

(Order pronounced by Hon'ble Smt J Anjani Dayanand,
Administrative Member)

ORDER

The applicant, Shri V Vijayaraghavan is an ad-hoc
Khalasi on part time basis in the Mangalore Gauging

Sub Division, Central Water Commission, Mangalore.

He seeks relief by way of a direction to the respondents to regularise the service of the applicant as Khalasi and appoint him on a permanent basis before his temporary appointment gets terminated.

2 The facts of the case as per the written application are, that from 13.1.81, the applicant was appointed as Work charge Khalasi on part time basis up to 30.11.81. Subsequently, the applicant was continuously appointed as Ad-hoc Khalasi periodically and continued to discharge his duties in various divisions of the Central Water Commission for the last five years. The cause of his grievance is that one Shri K Bhaskaran who was appointed with effect from 11.7.81 was regularised from 1983 and one Shri V Viswanathan and Ganesan who joined service after the applicant have also been regularised.

3 The counsel for the applicant stated that the applicant is now 35 years old and if his services are not regularised immediately, he will become over aged and ceased to be eligible for appointment.

4 In the counter filed by the respondents it has been stated that the Field Divisions of the Central Water Commission engaged in Hydrological Observations engage regular khalasis on work charged establishment for carrying out the day to day work against sanctioned posts

under each work-head. Sometime, the field divisions have to appoint additional hands during the monsoon season. The applicant was one such, who had been appointed as a seasonal Khalasi, only during the monsoon season as given below:

15.7.81	to 30.11.81
20.6.82	to 30.11.82
22.6.83	to 30.11.83
5.6.84	to 30.11.84
3.6.85	to 30.11.85

In all such cases the appointment is automatically terminated on the expiry of the period. The question of appointing the applicant, therefore, to the post of regular Khalasi cannot be entertained. However, when vacancies arise, in view of the experience acquired by persons like the applicant, they are given preference provided the names are sponsored by the Employment Exchange. In this context, the counsel for the respondents stated that the imputation of discrimination, malafides etc. are all irrelevant. The counsel for the respondents have also stated that as and when vacancy occurs in the future and if the applicant's name is sponsored by the employment exchange he will also be considered for appointment against a regular Khalasi's post.

5 We accept the statement made by the counsel for the respondents and direct that the applicant

may also be considered against future permanent
vacancy provided he is found suitable and sponsored
through the Employment Exchange.

6 The application is disposed of as above.


(J. Anjani Dayanand)
Administrative Member
21.7.88


(G. Sreedharan Nair)
Judicial Member
21.7.88

Index: Yes/No