

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BNCH, BANGALORE.

DATED THIS THE TENTH DAY OF JULY 1989.

Presents: Hon'ble Shri Justice K.S.PUTTASWAMY .. VICECHAIRMAN

Hon'ble Shri L.H.A.REGO .. MEMBER(A)

CONTEMPT PETITION (CIVIL) NO. 69 and 70/1988

(in A.No.477 & 478/86)

1.V.Sridhara Murthy,

2.G.Manjunath,

(both the applicants working
as Postman in General Post Office,
Vidhana Veedhi, Bangalore) .. Applicants.

vs. (Shri B.Veerabhadrapa .. Advocate)

The PostMaster General,
General Post Office,
Vidhana Veedhi,
Bangalore 1.

.. Respondent.

(Shri M.S.Padmarajaiah .. Advocate)

This application has come up today before this
Tribunal for orders. Hon'ble Vice Chairman made the following:

O R D E R

Petitioners by Shri B.Veerabhadrapa.

Respondents by Shri M.S.Padmarajaiah.

In these petitions made under Section 17 of the
Administrative Tribunals Act of 1985 and the Contempt of
Courts Act of 1971 (CC Act), the petitioners have moved this
Tribunal to punish the respondents for not implementing an
order made in their favour on 10.9.1986 in Application nos. 477 &
478/1986.

2. Prior to 26.3.1986 the petitioners were working
as Postmen on daily wage basis. When their services were
terminated or sought to be terminated, they approached this



CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex(BDA)
Indiranagar
Bangalore - 560 038

Dated :

17 JUL 1989

CONTEMPT

PETITION (CIVIL) NO (S) 69 & 70 /88
IN APPLICATION NOS. 477 & 478/86(F)
W.P. NO (S) /

Applicant (s)

Shri V. Sridhara Murthy & anr

V/s

The Post Master General, Karnataka Circle, B'lore

To

1. Shri V. Sridhara Murthy

4. The Post Master General
Karnataka Circle
Bangalore - 560 001

2. Shri G. Manjunath

5. Shri M.S. Padmarajaiah
Central Govt. Stng Counsel
High Court Building
Bangalore - 560 001

(Sl Nos. 1 & 2 -

Postman
General Post Office (GPO)
Dr B.R. Ambedkar Veedhi
Bangalore - 560 001)

3. Shri B. Veerabhadrapa

Advocate
31, 'Guru Krupa'
Srikantan Layout
High Grounds
Bangalore - 560 001

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith a copy of ORDER/STAY/INTERIM ORDER
passed by this Tribunal in the above said application(s) on 10-7-89.
C.P. (Civil)

R.V. Venkatesh
DEPUTY REGISTRAR
(JUDICIAL)

Tribunal on 26.3.1986 in Application nos. 477 & 478/1986
praying for diverse reliefs, which were resisted by the
respondents. On 10.9.1986 a Division Bench of this
Tribunal consisting of one of us viz Hon'ble Shri L.H.A. Rego,
Member(A) and Shri Ch.Ramakrishna Rao, Member(J) disposed
of them in these words:

" Shri B.Veerabhadrappa, counsel for applicant, and
Shri M.Vasudeva Rao, counsel for respondent, present.

b/ Shri Veerabhadrappa submits that the applicant has
been working since 1983 on daily wage basis as Postman
and his name is borne in the muster roll; that the
applicant apprehends that his services may be terminated
at any time by the respondent and issued to restrain
the respondent from terminating his services.

Shri Vasudeva Rao has raised a preliminary objection that
this application is not maintainable, since no order
has yet been passed to the prejudice of the applicant;
that the services of the applicant are utilised only when
any particular postman is absent from duty and as such,
he is not paid daily, but only on such occasions when
he is given work; that as on date, there is no ground
for the applicant to ventilate any grievance and the
application may therefore be dismissed.

True, the cause of action for the applicant to move
this Bench could arise only when an order is passed by
the respondent removing the name of the applicant from
the muster roll. But such an order is not likely to be
passed, since the applicant submits that no written
order was issued by the respondent at the time of assigning
duties of postman to the applicant. The submission
of Shri Vasudeva Rao, however, is that the applicant
has failed to report himself daily at the G P O., with
the result that it has not been possible to assign any
work to him. We, therefore, direct the applicant to
report for duty within 15 days from the date of receipt
of this order in the office of the respondent and seek
assignment of work.

We are informed by Shri Vasudeva Rao, that there are a
few others like the applicant who have also to be
considered for the purpose of work being assigned to
them. In view of this, we direct the respondent to open
a register, if not already done, setting out therein the

names of all the daily-wage workers, including the applicant, who are borne on the muster rolls without any formal orders of appointment in the order of their seniority, taking into account the dates on which they were first taken on duty as reflected in the muster rolls. If any postman is absent on any particular day, and if the daily wage workers, like the applicant, are present, they may be allotted work in the order of their inter se seniority, determined on the basis of the muster rolls as already stated.

Shri Veerabhadrapa submits that the case of the applicant should be considered for absorption in regular vacancies of postmen, in view of the decision of the Supreme Court in RATANLAL v. STATE OF HARYANA (1985 (4) SCC 43). Counsel also submits that their wages should be determined not in the manner presently done, but as laid down by the Supreme Court in DHIRENDRA CHAMOLI v. STATE OF UTTAR PRADESH (1986(1) SCC 637), and SURINDER SINGH v. ENGINEER-IN-CHIEF, CPWD, (1986(1) SCC 639).

The respondent is directed consider the case of the applicant in the light of the aforesaid rulings, within two months from the date he is taken back in service, on the muster rolls and assign work to him.

The application is accordingly disposed of. *

In pursuance of these directions, the petitioners have been restored to duty. The direction of this Tribunal to that extent fully stands complied. Shri Veerabhadrapa does not dispute this position.

3. Shri Veerabhadrapa contends that the direction to the respondents to open a register had not been complied by the respondents. Shri Padmarajaiah, has placed before us a register opened by the respondents in compliance with the directions of this Tribunal.

4. We have perused the Register and shown the same to Shri Veerabhadrapa. We are of the view that the direction of this Tribunal to open a register stands complied.

5. In the last but 2 para of the order, there is a direction to determine the wages payable in



absorption
of the petitioners/and pass orders on the same
in terms of the penultimate para order made by
this Tribunal in A.Nos.477 & 478/1986. But in
the meanwhile we drop these Contempt of Court
proceedings against the respondents reserving
liberty to the petitioners to approach this
Tribunal if they are still aggrieved by these
orders to be made by the respondents.

b) We direct the parties to bear their own
costs.



bk.

Sd —
VICE CHAIRMAN 10/7/87

Sd —
MEMBER(A) 10/7/87

TRUE COPY

For and on behalf of
DEPUTY CHAIRMAN (PDU) 17/5/77
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

conformity with the rulings referred to in that para, Shri Veerabhadrappa contends that in the terms of the rulings referred to therein the petitioners were entitled for arrears of back wages also. Shri Padmarajaiah disputes the correctness of this contention.

6. We have carefully examined the direction of this Tribunal on this aspect. We are of the view that the direction on this aspect is capable of more than one construction. If that is so, then we cannot punish the respondents for understanding the direction in their own way and regulating the same in that way.

7. In the penultimate para there is a direction to consider the case of the petitioners for absorption within a period of 2 months from the date of receipt of the order.

8. Shri Padmarajaiah explaining the various difficulties encountered by the department, one of which was ~~to~~ the striking down the recruitment Rules and framing new rules, prays for another 2 months' time to examine the case of the petitioners and pass appropriate orders in accordance with the directions of this Tribunal, extracted earlier. We consider it proper to grant this request of Shri Padmarajaiah and drop these Contempt of Court Proceedings, reserving liberty to the petitioners to approach this Tribunal if they are still aggrieved with the same.

9. In the light of our above discussion, we make the following orders and directions:

- a) We grant another 2 months' time from this day to the respondents to consider the cases

Date

Office Notes

Orders of Tribunal

the muster rolls. If any postman is absent on any particular day, and if the daily wage workers, like the applicant, are present, they may be allotted work in the order of their inter se seniority, determined on the basis of the muster rolls as already stated.

Veerabhadrapa

Shri Veerabhadrapa submits that the case of the applicant should be considered for absorption in regular vacancies of postmen, in view of the decision of the Supreme Court in RATANLAL v. STATE OF HARYANA (1985(4) SCC 43). Counsel also submits that their wages should be determined not in the manner presently done, but as laid down by the Supreme Court in DHIRENDRA CHAMOLI v. STATE OF UTTAR PRADESH (1986(1) SCC 637), and SURINDER SINGH v. ENGINEER-IN-CHIEF, CPWD (1986(1) SCC 639).

The respondent is directed to consider the case of the applicant in the light of the aforesaid rulings, within two months from the date they are taken back in service, ~~on~~ on the muster rolls and assign work ~~to~~ him.

The application is accordingly disposed of.



(L.H.A. REGO)

MEMBER (AM)

10-9-1986.

dms.

Ch. Ramakrishna Rao

MEMBER (JM)

10-9-1986.

True copy

R. Shyamala
SECTION CLERK
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

Date

Office Notes

Orders of Tribunal A. No. 677 & 678/86(A)

10-9-86

Shri B. Veerabhadrapa, counsel for applicant, and Shri M. Vasudeva Rao, counsel for respondent, present.

Shri Veerabhadrapa submits that the applicant has been working since 1983 on daily wage basis as postman and his name is borne in the muster roll; that the applicant apprehends that his services may be terminated at any time by the respondent and therefore necessary directions may be issued to restrain the respondent from terminating his services.

Shri Vasudeva Rao has raised a preliminary objection that this application is not maintainable, since no order has yet been passed to the prejudice of the applicant; that the services of the applicant are utilised only when any particular postman is absent from duty and as such, he is not paid daily, but only on such occasions when he is given work; that as on date, there is no ground for the applicant to ventilate any grievance and the application may therefore be dismissed.

True, the cause of action for the applicant to move this Bench could arise only when an order is passed by the respondent removing the name of the applicant from the muster roll. But such an order is not likely to be passed, since the applicant submits that no written order was issued by the respondent at the time of assigning duties of postman to the applicant. The submission of Shri Vasudeva Rao, however, is that the applicant has failed to report himself daily at the G.P.O., with the result that it has not been possible to assign any work to him. We, therefore, direct the applicant to report to duty within 15 days from the date of receipt of this order in the office of the respondent and seek assignment of work.

We are informed by Shri Vasudeva Rao, that there are a few others like the applicant who have also to be considered for the purpose of work being assigned to them. In view of this, we direct the respondent to open a register, if not already done, setting out therein the names of all the daily-wage workers, including the applicant, who are borne on the muster rolls without any formal orders of appointment in the order of their seniority, taking into account the dates on which they were first taken on duty as reflected in



(O.P.C.)

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex(BDA),
Indiranagar,
Bangalore - 560 038

Application No. 477 and 478/86(F). Dated the 30th Sept, 86.

To 1. Sri B. Veerabhadraappa, Advocate for appellants
NO.17, Gurur Kripa Seikanta Layout, High Court
Grounds Bangalore - 560001.
2. Sri. M. Vasudeva Rao, Central Govt Standing Counsel
- High Court Building Bangalore.
3. The Post Master General, Post Office Bangalore.
4. G. Manjunath S/o. A. Govindaswamy, D.No. 3256, Mariappan-
palya, Bangalore - 21. [Applicant in A.No. 477/86(F)].

Subject: SENDING COPIES OF ORDER PASSED BY THE BENCH
IN APPLICATION NO. 477 and 478/86(F).

Please find enclosed herewith the copy of the Order/Interim Order
passed by this Tribunal in the above said Application on 10th Sept. 86.

Smt. S.
Pl. 18th floor W.C.
R.

R. Rathy
Ck. SECTION OFFICER
(Judicial)

Encl: As above.

5. Shri U.S. Shreelha Marthi, S/o. S.V. Venkatarayappa,
D.No. 1233, 6th Cross, 7th Main, Prakash Nagar, Bangalore - 21.
[Applicant in A.No. 478/86(F)].

1/1/86 6. Copy to file of A.No. 478/86(F)

1/1/86