

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
* * * * *

Commercial Complex
Indiranagar
Bangalore - 560 038

Dated: 23-9-87

Application Nos. 470 to 472, 512, 535, 540 & 541/87(F)

Applicants

Shri Ramu & 6 Ors

To

1. Shri Ramu
Messenger
Airborne Mineral Surveys &
Exploration Wing
Geological Survey of India
No. 2, Church Street
Prestige Complex
Bangalore - 560 001
2. Shri Mada
Messenger
Airborne Mineral Surveys &
Exploration Wing
Geological Survey of India
Prestige Complex
No. 2, Church Street
Bangalore - 560 001
3. Shri M.S. Chandrasekhar
General Secretary
Geological Survey of India
Staff Union
Bangalore
4. Shri M. Nanjappa
Sweeper
Airborne Mineral Surveys &
Exploration Wing
Geological Survey of India
Prestige Complex
No. 2, Church Street
Bangalore - 560 001

Respondents

V/s The Sr, DG, GSI, Bangalore


5. Shri H. Rajanna
Messenger
Airborne Mineral Surveys &
Exploration Wing
Geological Survey of India
Prestige Complex
No. 2, Church Street
Bangalore - 560 001
6. Shri Chandra Reddy
Electrician
Airborne Mineral Surveys &
Exploration Wing
Geological Survey of India
Prestige Complex
No. 2, Church Street
Bangalore - 560 001
7. Shri A.P.N. Raju
Messenger
Airborne Mineral Surveys &
Exploration Wing
Geological Survey of India
Prestige Complex
No. 2, Church Street
Bangalore - 560 001
8. Dr. M.S. Nagaraja
Advocate
35, (Above Hotel Swagath)
1st Main, Gandhinagar
Bangalore - 560 009

9. The Senior Director General
Geological Survey of India
Airborne Mineral Surveys &
Exploration Wing
Prestige Complex
No. 2, Church Street
Bangalore - 560 001
10. Shri M. Vasudeva Rao
Central Govt. Sng Counsel
High Court Buildings
Bangalore - 560 001

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER passed by this
Tribunal in the above said applications on 16-9-87

Encl : As above


Deputy Registrar
(Judicial)

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE 16TH DAY OF SEPTEMBER, 1987

HON'BLE SHRI JUSTICE K.S.PUTTASWAMY, VICE CHAIRMAN

Present:

HON'BLE SHRI L.H.A. REGO, MEMBER (A)

APPLICATION NOs.470 to 472, 512, 535, 540 and 541 of 1987(F)

1. Sri Ramu,
S/o Jawaraiah,
Messenger,
Airborne Mineral Surveys &
Exploration Wing,
Geological Survey of India,
Prestige Complex,
Bangalore-560 001.

Applicant in A.No.470/87(F)

2. Sri Mada,
S/o Madaiah,
Messenger,
Airborne Mineral Surveys &
Exploration Wing,
Geological Survey of India,
Prestige Complex,
Bangalore-560 001.

Applicant in A.No.471/87(F)

3. Sri M.S.Chandrasekhar,
General Secretary,
Geological Survey of India,
Staff Union,
Bangalore.

Applicant in A.No.472/87(F)

4. Sri Nanjappa,
S/o Muniswamappa,
Sweeper,
Airborne Mineral Surveys &
Exploration Wing,
G.S.I. Prestige Complex,
Bangalore-560 001.

Applicant in A.No.512/87(F)

5. Sri H.Rajanna,
S/o K.Hanumaiah,
Messenger,
Airborne Mineral Surveys &
Exploration Wing,
Geological Survey Of India,
Prestige Complex,
Bangalore-560 001.

Applicant in A.No.535/87(F)



6. Sri Chandra Reddy,
S/o Krishna Reddy,
Electrician,
Airborne Mineral Surveys &
Exploration Wing,
Geological Survey of India,
Prestige Complex,
Bangalore-560 001.

Applicant in A.No.540/87(F)

7. Sri A.P.N.Raju,
S/o Changamma Raju,
Messenger,
Airborne Mineral Surveys &
Exploration Wing,
Geological Survey of India,
Prestige Complex,
Bangalore-560 001.

Applicant in A.No.541/87(F)

(Dri M.S.Nagaraja, Advocate)

VS

1. The Senior Director General,
Geological Survey of India,
Airborne Mineral Surveys &
Exploration Wing,
No.2, Church Street,
Prestige Complex,
Bangalore-560 001.

Respondent

(Sri M.Vasudeva Rao, Advocate)

These applications having come up for hearing to-day,

Sri Justice K.S.Puttaswamy, Vice Chairman made the following:

O R D E R

As the questions that arise for determination in these cases are common, we propose to dispose of them by a common order.

2. All the applicants are working in one or the other capacity in the office of the Deputy Director General of the Geological Survey of India ('GSI') respondent from different dates since 1974 or 1977, on daily wages basis. In these applications made under Sec.19 of the Administrative Tribunals Act, 1985 ('Act'), the applicants have sought for a direction to the respondent to extend them equal pay and allowance as are paid to those working in similar capacities on regular basis and for a direction to regularise their services.



3. In his common reply, the respondent, without disputing that the applicants are working since 1974 or 1977, have seriously resisted the claims of the applicants for equal pay. On the claim of the applicants for regularisation, the respondent had stated that the services of the applicant in Application No.535/87 had already been regularised and that the cases of others for regularisation will be done in the order of seniority as and when vacancies occur.

4. Dr.M.S.Nagaraja, learned counsel for the applicants, contends that the applicants were entitled for equal pay allowed to those working in similar capacities on regular basis.

5. Shri M.Vasudeva Rao, learned Counsel for respondent in refuting the contention of Dr.Nagaraja strongly relies on the ruling of this Tribunal in Application Nos.1945 to 1954/86 and connected cases (T.K.Manjunath and others -vs.- The Chief Superintendent, Central Telegraph Office, Bangalore and another).

6. In T.K.Manjunath's case, a Division Bench of this Tribunal had examined a similar claim of the applicants in the Department of Telegraphs and had rejected the same on merits over ruling the very preliminary objections urged by the respondents in these cases also. For the very reasons stated in Manjunath's case, the claim of the applicants for equal pay, cannot be accepted by us and is liable to be rejected.

7. Dr.Nagaraj next contends that the applicants who are working since 1974 or 1977 calls for immediate regularisation against the vacancies existing in the Department.

8. Shri Rao contends that the cases of applicants other than the applicant in A.No.535/87 for regularisation will be considered and decided with expedition. But he strongly apposes for fixing any time limit for the same.



9. In the reply the respondent had stated that the case of the applicants except that of the applicant in A.No.535/87 for regularisation will be done with due regard to seniority, vacancy position and other relevant factors. In this view it is hardly necessary for us to examine this claim and issue specific directions.

10. We are however distressed that the applicants working since 1974 or 1977 are allowed to continue on daily-wage basis, almost indefinitely. We have every hope and trust that the respondent and other authorities will consider and decide their cases with expedition and accommodate all of them in one or the other posts to which they are found eligible and suitable. But not withstanding the same, we consider it proper to direct the respondent to do so in any event on or before the 30th April, 1988.

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

- (i) We dismiss A.No.535/87 in its entirety.
- (ii) We dismiss all other applications in so far they claim equal pay.
- (iii) We direct the respondent to consider and decide the cases of the applicant except the applicant in A.No.535/87 for regularisation to one or the other post: with all such expedition as is possible and in any event, on or before the 30th April, 1988. But till then, the respondent is directed not to call for fresh applications for selection and make appointments of outsiders in the cadres in which the applicants are working at present.



12. Applications are disposed of in the above terms. But, in the circumstances of these cases, we direct the parties to bear their own costs.



Sd/-
VICE CHAIRMAN 16/4

Sd/-
MEMBER(A) 16/4/01

- True copy -

for 
DEPUTY REGISTRAR 23/4
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex(BDA)
Indiranagar
Bangalore - 560 038

Dated :

3 MAY 1988

IA I IN APPLICATION NO S. 470 to 472, 512, 535, 540 & 541 87(F)

W.P. NO. _____

Applicant

Shri Ramu & 6 Ors

To

1. Shri Ramu
2. Shri Mada
3. Shri H. Rajanna
4. Shri A.P.N. Raju

(Sl Nos. 1 to 4 -

Messengers
Airborne Mineral Survey &
Exploration (AMSE) Wing
Geological Survey of India
No. 2, Church Street
Bangalore - 560 001)

5. Shri M.S. Chandrasekhar
General Secretary
Geological Survey of India
Staff Union
Bangalore

6. Shri M. Nanjappa
Sweeper
Airborne Mineral Survey &
Exploration (AMSE) Wing
Geological Survey of India
No. 2, Church Street
Bangalore - 560 001

Respondent

V/s

The Senior DG, GSI, Bangalore

7. Shri Chandra Reddy
Electrician
Airborne Mineral Survey & Exploration (AMSE)
Wing
Geological Survey of India
No. 2, Church Street
Bangalore - 560 001
8. Dr M.S. Nagaraja
Advocate
No. 35 (Above Hotel Swagath)
1st Main, Gandhinagar
Bangalore - 560 009
9. The Senior Director General
Geological Survey of India
Airborne Mineral Survey & Exploration
(AMSE) Wing
No. 2, Church Street
Bangalore - 560 001
10. Shri M. Vasudeva Rao
Central Govt. Stng Counsel
High Court Building
Bangalore - 560 001

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/~~STAY~~/INTERIM ORDER
passed by this Tribunal in the above said application on 22-4-88.

Encl : As above

[Signature]
DEPUTY REGISTRAR
(JUDICIAL)

**In the Central Administrative
Tribunal Bangalore Bench,
Bangalore**

ORDER SHEET

Application No. s. 470 to 472, of 1987(F)
512, 535, 540 & 541

Applicant

Ramu & 6 Ors

V/s

The Senior DG, GSI, Bangalore


Respondent

Advocate for Applicant

Dr M.S. Nagaraja

Advocate for Respondent

M. Vasudeva Rao

Date	Office Notes	Orders of Tribunal
		<p>KSPVC/PSM 22.4.88</p> <p><u>Orders on I.A. No.1, Application for extension of time and for modification of the orders.</u></p> <p>On a request made by Shri M. Vasudeva Rao, learned Standing Counsel for the Central Government, We have taken up this case today.</p> <p>2. Dr. M.S. Nagaraja, learned Advocate, who had appeared for the applicants, has taken notice of this application. We have heard learned counsel for both sides.</p> <p>3. In our order made on 16.9.1987 we have directed the respondents to complete the regularisation of the applicants except the applicant in application No.535/87, on or before 30.4.1988. In I.A.1, the respon- dents have set out the various cir- cumstances as justifying the exten- sion of time by another four months.</p>

In the Central Administrative Tribunal Bangalore Bench, Bangalore

Order Sheet (contd)

Date	Office Notes	A.No. 470 to 472 of 1987 Orders of Tribunal
	<div data-bbox="221 630 558 1001" data-label="Image"> </div> <div data-bbox="293 1547 511 1594" data-label="Text"> <p>TRUE COPY</p> </div> <div data-bbox="302 1787 721 2001" data-label="Text"> <p><i>3/5/88</i> SECTION OFFICER CENTRAL ADMINISTRATIVE TRIBUNAL ADDITIONAL BENCH BANGALORE</p> </div>	<p>4. We are satisfied that the facts and circumstances set out by the respondents justify the extension of time sought by them. We therefore consider it proper to grant the same.</p> <p>5. In I.A.1, the respondents have also sought for modification of our orders. An order made on merits, that too after hearing both sides, cannot be modified on an interlocutory application. On this short ground, this prayer of the respondents is liable to be rejected.</p> <p>6. In the light of our above discussion, we make the following orders and directions.</p> <p>(1) We allow I.A.No.1 in part and extend the time for complying with our direction till 30.7.1988.</p> <p>(2) We reject I.A. No.1 for modification of our earlier order.</p> <p>7. Application is disposed of in the above terms. But in the circumstances of the case, we direct the parties to bear their own costs.</p>

sd/-
VICE-CHAIRMAN *my*

sd/-
MEMBER (A)

Mrv.