

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
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Commercial Complex (BDA),
Indiranagar,
Bangalore - 560 038

Dated : 29-9-87

APPLICATION NOS. 18, 302 and 528/86 - 87 (F)

W.P. NO _____

Applicant S.M. Thammaanna Vs Director, I.S.R.O., Bangalore
& 2 Ors

- To
1. Sri S.M. Thammaanna,
No. 31, 10, C' Cross,
West of Chood Road,
Rajaji Nagar II Stage,
Bangalore - 560086.
 2. Sri Manjun,
C/o C. Narayana,
9/2, 10th Cross,
Magadi Road,
Bangalore - 23
 3. Sri C. Puttegowda,
C/o Kanchappa,
No. 1241/2, Triveni Road,
4th Cross, 8th Main,
K.N. Extension, Yeshwantpur,
Bangalore - 22.
 4. Director,
Indian Space Research -
Organisation, Air Post Road,
Vionanapura, Bangalore - 17.

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 18 Sep 87.

SECTION OFFICER
(JUDICIAL)

Encl : as above

5. Sri M.S. Ramachandra Rao, Advocate,
Adavadi, 38, 1st Floor,
Gandhi Bazar Circle, Basavangudi,
Bangalore - 560004.

6. Sri M.S. Padmanarajiah, Standing Counsel,
High Court Building, Bangalore - 1.

S/c

CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE

DATED THIS THE 18TH DAY OF SEPTEMBER, 1987.

PRESENT:

Hon'ble Mr. Justice K.C. Puttaswamy, .. Vice-Chairman.

And

Hon'ble Mr. L. M. A. Rego, .. Member(A).

APPLICATIONS NUMBERS 18,302 AND 529 OF 1987

S.M. Thammanna,
S/o Mariyappa,
Hindu, Major, No.31,
10 'C' Cross,
West of Chord Road,
Rajajinagar II Stage,
Bangalore-560 033.

.. Applicant in A.No.18/87.

Manju,
S/o late Narasimhaiah,
Hindu, Major,
C/o C. Narayan, 9/2, 10th Cross,
Magadi Road, BANGALORE-23.

.. Applicant in A.No.302/87.

C. Putte Gowda,
Son of Chikkaputtegowda,
Aged about 30 years,
Hindu, Major, C/o Kenchappa,
No.1241/2, Triveni Road,
4th Cross, 3th Main, K.N. Extension,
Yeshwantpur, Bangalore-22.

.. Applicant in A.No.529/87.

(By Sri M.S. Ramachandra Rao, Advocate)

v.

Indian Space & Research Organisation,
Air Port Road, Vimanapura,
Bangalore-560 017
represented by its
Director.

.. Respondent.

(By Sri M.S. Padmarajaiah, Standing Counsel)

This application having come up for hearing, Vice-Chairman made the following:

ORDER

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

2. S.L.Thammanna, Nanju and C.Puttegowda, applicants in Applications Nos.16, 302 and 520 of 1937 respectively were engaged as casual labourers from 20-12-1934, 5-11-1934 and 17-11-1934 respectively in the respondent organisation, on daily wages basis, whenever there was necessity for engaging them as casual labourers.

3. But, in pursuance of a policy decision of Government to discontinue casual labourers on daily wages basis, and to make regular appointments in their places, the competent authority of the respondent organisation had directed the discontinuance of the applicants' services from different dates. Hence, they have approached this Tribunal under Section 19 of the Administrative Tribunals Act, 1965 challenging their discontinuance or terminations and for a direction to regularise their services in the posts/jobs they were earlier performing.

4. In separate but identical replies filed by them, the respondent has asserted that the discontinuance or terminations of the services of the applicants was necessitated to implement the policy decision of Government and was valid and legal. On the claims of the applicants for regularisation, the respondent had stated that it had prepared a seniority list of persons formerly working as casual labourers and that every steps will be taken to regularise their services with due regard to seniority and vacancies in the organisation.

5. Sri M.S.Ramachandra Rao, learned counsel for applicants, contends that discontinuance or termination of his clients' services was wholly unjustified and illegal.

6. Sri M.S.Padmarajaiah, learned counsel for the respondents, sought to support the discontinuance or terminations of the applicants.

7. We have earlier noticed that the applicants, who had been

appointed on daily wages basis, with due regard to the workload existing in the organisation, had been discontinued, to give effect to a policy decision of Government to discontinue casual and daily wages basis workers. That policy decision of Government which is not also challenged by the applicants cannot on any principle be held to be illegal or violative of Article 11 of the Constitution. If the organisation had complied with the directions of Government and discontinued the services of the applicants, then we cannot take any exception to the action of the respondent at all. For these reasons we see no merit in this contention of Sri Ramachandra Rao and we reject the same.

8. Sri Ramachandra Rao next contends that having regard to the long periods of services rendered by the applicants, their cases call for immediate regularisation in the vacancies existing.

9. Sri Padmarajaiah contends that the cases of the applicants will be considered with due regard to seniority and vacancies in the organisation.

10. In its reply, the respondent had stated that the cause of the applicants and other casual labourers for regularisation will be considered with due regard to seniority and vacancies. The respondent had also produced a seniority list prepared as on 31st May, 1937. The seniority list had been prepared on the basis of number of days actually worked prior to 31st May, 1937. We are of the view that the seniority list is not in any way illegal or is violative of Article 14 of the Constitution.

11. Already efforts have been made to make appointments on a regular basis from out of the seniority list maintained. We have no doubt that the cases of the applicants will also be considered as

and when vacancies occur with due regard to their seniority.

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

- (a) We dismiss these applications in so far as they challenge the discontinuance or termination of services of the applicants.
- (b) We direct respondents to consider the cases of the applicants for regularisation with due regard to seniority and vacancies.

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

GR/up.

Sd/-
VICE-CHAIRMAN
18/9/87

Sd/-
SECRETARY
18/9/87

- True COPY -

SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE