

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

* * * * *

Commercial Complex (BDA)
 Indiranagar
 Bangalore - 560 038

Dated :

19 JAN 1989

APPLICATION NO^S 1953 to 1960 / 88(F)

W.P. NO. _____ /

Applicant(s)

Shri B. Obaiah & 7 Ors
 To

V/s

The Senior Deputy Director General, GSI,
 Bangalore & another

1. Shri B. Obaiah
 Daily Waged Worker (Drilling)
2. Shri Krishnappa
 Daily Waged Worker
3. Shri V.V. Sridharan
 Daily Waged Worker (Drilling)
4. Shri Ghosilal
 Daily Waged Worker (Drilling)
5. Shri Chhattursingh
 Daily Waged Worker
6. Shri Sitaram
 Daily Waged Worker
7. Shri Narayanaia
 Daily Waged Worker (Drilling)
8. Shri Gokulchand
 Daily Waged Worker

(Sl Nos. 1 to 8 -

AMSE Wing
 Geological Survey of India
 Prestige Complex
 No. 2, Church Street
 Bangalore - 560 001)

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Please find enclosed herewith the copy of ORDER/~~XXXXX~~INTERIM ORDER
 passed by this Tribunal in the above said application(s) on 16-1-89.

Encl : As above

For Deponent
 DEPUTY REGISTRAR
 (JUDICIAL)

d/c

19-1-89

1980-1981

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

DATED THIS THE SIXTEENTH DAY OF JANUARY, 1989

Present : Hon'ble Justice Sri K.S.Puttaswamy Vice Chairman
Hon'ble Sri L.H.A.Rego Member (A)

APPLICATION Nos.1953 to 1960/88

1. B.Obaiah
Daily waged worker(Drilling)
2. Krishnappa,
Daily waged worker
3. V.V.Sridharan
Daily waged worker(Drilling)
4. Ghisoilal
Daily waged worker(Drilling)
5. Chattursingh
Daily waged worker
6. Sitaram
Daily waged worker
7. Narayanlal
Daily waged worker(drilling)
8. Gokulchand
Daily waged worker.

(Applicants 1 to 8 are working
in AMSE Wing, Geological
Survey of India, Prestige
Complex, No.2, Chruch Street,
Bangalore - 1.

... Applicants

(Sri S.K.Srinivasan ... Advocate)

vs.

1. The Senior Deputy Director General
(AMSE Wing), Geological Survey
of India, No.2, Chruch Street
Bangalore - 1. ...
2. The Director General
Geological Survey of India,
Jawaharlal Nehru Road,
Calcutta - 700 016. ...

... Respondents

(Sri M.Vasudeva Rao ... Advocate)



These applications having come up before the Tribunal
today, Hon'ble Vice-Chairman made the following :

ORDER

Applicants by Shri S.K.Srinivasan. Respondents by
Shri M.Vasudeva Rao, learned Additional Central Government
Standing Counsel.

2. Reply of respondents filed. Copy of the same is
furnished to the learned counsel for the applicants. We
have heard the counsel on both sides.

3. The eight applicants before us, have been working
as contingent workers on daily wages in the office of the
Geological Survey of India from different dates in 1975 and
1976. The applicants claim that they should be allowed pay
and allowances from the date of their initial appointment
as paid to regular Group 'D' employees and their services
should be regularised.

4. Shri S.K.Srinivasan, learned counsel for the applicants
contends that the facts of these cases and the questions that
arise for determination are on all fours to those decided by
this Tribunal in Applications Nos. 470 to 472/88 (Ramu &
ors vs SR.DDG.GSI), and Applications Nos. 1075 to 1090/88
(Puttaiah and others vs. SR.DDG.GSI) and urges that the
very reliefs granted therein, be allowed in the present cases.

5. Shri M.Vasudeva Rao, learned Additional Central Govern-
ment Standing Counsel appearing for the respondents without
disputing that the facts and issues involved in these cases
are similar to those in Ramu's case and others, however con-
tends that the reliefs sought by the applicants cannot be
granted as there are no sanctioned posts at present.

6. As the facts and questions that arise in these cases are similar to the earlier cases decided by this Tribunal we must necessarily follow the earlier cases and issue the very directions issued in those cases on the principle, that in like cases the remedy should be the same - in consimile & casu, consimile debet ^{case} remedium.

7. In their reply, the respondents have asserted that there are no sanctioned posts as at present against which the applicants can be regularised. We have no reason to disbelieve the correctness of this statement made by the respondents.

8. When there are no sanctioned posts, or till the posts are sanctioned, the respondents cannot obviously regularise the services of the applicants. But this does not preclude the respondents and Government from sympathetically considering the cases of the applicants and take all steps to sanction additional posts, which are necessary for regularising the services of the applicants and then regularise their services. We do hope and trust that the respondents and Government will do so with expedition.

9. In the light of our above discussion, we direct the respondents and Government to take steps for creating necessary additional posts and then consider the cases of the applicants for regularisation with all such expedition as is possible in the circumstances of these cases. But till then the respondents will not entertain any fresh applications for selection or make any fresh appointments of outsiders to the posts in which the applicants are currently working.

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

Sd/-

VICE CHAIRMAN

16/1

ms/Miv/An.

Sd/-

MEMBER (A)

16-1-489

TRUE COPY

Deputy Registrar (JDL)
DEPUTY REGISTRAR (JDL)

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE