

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

Dated : 19 JAN 1989

APPLICATION NOS 1953 to 1960 / 88(F)

W.P. NO. \_\_\_\_\_

Applicant(s)

Shri B. Obaiah & 7 Ors  
To

Respondent(s)

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 Ghisoilal  
Daily Waged Worker (Drilling)
5. Shri Chattursingh  
Daily Waged Worker
6. Shri Sitaram  
Daily Waged Worker
7. Shri Narayanlal  
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)

9. Shri S.K. Srinivasan  
Advocate  
No. 10, 7th Temple Road  
15th Cross, Malleswaram  
Bangalore - 560 003
10. The Senior Deputy Director General  
(AMSE Wing)  
Geological Survey of India  
No. 2, Church Street  
Bangalore - 560 001
11. The Director General  
Geological Survey of India  
27, Jawaharlal Nehru Road  
Calcutta - 700 016
12. 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(s) on 16-1-89.

Encl : As above

DEPUTY REGISTRAR  
(JUDICIAL)

THE END OF

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. Obaiiah  
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, Church Street,  
Bangalore - 1. ...

Applicants

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

vs.

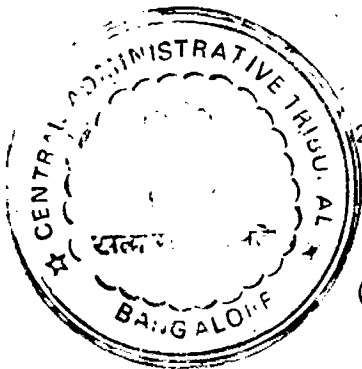
1. The Senior Deputy Director General  
(AMSE Wing), Geological Survey  
of India, No. 2, Church Street  
Bangalore - 1. ...
2. The Director General  
Geological Survey of India,  
Jawaharlal Nehru Road,  
Calcutta - 700 016. ...

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.

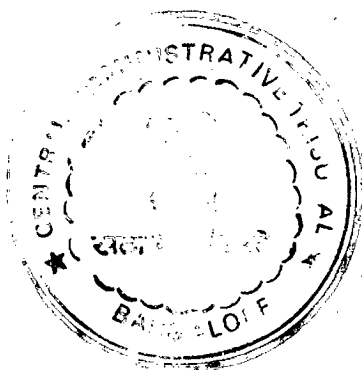
5. Shri M.Vasudeva Rao, learned Additional Central Government Standing Counsel appearing for the respondents without disputing that the facts and issues involved in these cases are similar to those in Ramu's case and others, however contends that the reliefs sought by the applicants cannot be granted 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 esse 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

16/11

sd/-  
MEMBER (A)

16.1.489

Kms/Miv/An.

TRUE COPY

*[Signature]*  
DEPUTY REGISTRAR (JDL)  
CENTRAL ADMINISTRATIVE TRIBUNAL  
BANGALORE