

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated : 7 OCT 1988

REVIEW APPLICATION NOS. 77 to 93/88

IN APPLICATION NOS. 1035 to 1051/88(F)

Applicants

Shri Babu & 16 Ors

Respondents

V/s The Scientific Adviser to Raksha Mantri,
New Delhi & another

To

1. Shri Babu
A-1/1, DRDO Complex
C.V. Raman Nagar
Bangalore - 560 093

2. Shri I. Reddappa Reddy
B-9/2, DRDO Complex
C.V. Raman Nagar
Bangalore - 560 093

3. Shri S. Basavaraju
9/1, Yamalur Village & PO
Bangalore - 560 037

4. Shri K. Kanchaiah
C/o Shri P. Govindappa
14, Sudduguntapalya
C.V. Raman Nagar
Bangalore - 560 093

5. Shri S. Ambrose Thomas
281, 10th Cross
Ananda Puram
C.V. Raman Nagar
Bangalore - 560 093

6. Shri Kempshannumiah
C/o Shri D. Nanjappa
New Extension
Yamalur Village & PO
Bangalore - 560 037

7. Shri R. Muni Raju
S/o Shri B. Ramaiah
Bande Nagar
M.S. Nagar Post
Bangalore - 560 033

8. Shri V. Rudra Gowda
C/o Shri D. Nanjappa
New Extension
Yamalur Village & PO
Bangalore - 560 037

9. Shri Bayassellan A.
C/o Shri P. Joseph
3rd Main Road
Behind Kakara Ashram
Narayanappa Building
Mstedahally, Munireddy Palya
Bangalore - 560 006

10. Shri R. Sridhar
92, Sudduguntapalya
C.V. Raman Nagar PO
Bangalore - 560 093

11. Shri R. Manjunath
178, Kadihalli
Near Muneswara Temple
J.B. Nagar Post
Bangalore - 560 075

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4/11/88
K. W. [Signature]
10-10-88

o/c

12. Shri H. Sreenivasappa
S/o Shri Muthanallappa
Gonakena Halli
Jedigenahalli Post
Hoskote Taluk
Bangalore District

13. Shri K.S. Mariyappa
43, S.G. Palya
C.V. Ramen Nagar Post
Bangalore - 560 093

14. Shri S. Devanathan
251, 5th Main, Ananda Puram
C.V. Ramen Nagar Post
Bangalore - 560 093

15. Shri Ashok
S/o Shri Tippanna Pata Gowder
Arthi Village & Post
Magadi Taluk
Bangalore District

16. Shri Jayaram
C/o Shri Ulsoor Ramiah
S.G. Palya
C.V. Ramen Nagar Post
Bangalore - 560 093

17. Shri H. Ramappa
E-15, 'E' Block
M.G. Co Quarters
6th Block, Rajajinagar
Bangalore - 560 010

18. Shri M. Raghavendra Achar
Advocate
1074-1075, Banashankari I Stage
Sreenivasanagar II Phase
Bangalore - 560 050

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Enclosed herewith please find the copy of ORDER passed by this Tribunal
in the above said Review applications on 30-9-88.

As above


SECTION OFFICER
(JUDICIAL)

Issued
K. Narayan
10-10-88

yc
Recd. Sec. No. 14-17

R. Sridhar
R. SRIDHAR

APP. No. - 10.
11-10-88

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE

DATED THIS THE 30TH DAY OF SEPTEMBER, 1988

PRESENT: HON'BLE SHRI JUSTICE K.S. PUTTASWAMY ...VICE-CHAIRMAN

HON'BLE SHRI P. SRINIVASAN ...MEMBER (A)

REVIEW APPLICATION NO. 77 TO 93/88

1. Shri Babu, Major,
S/o. D.Chinnaiah,
Aged 20 years,
No.A-1/1, DRDO Complex,
C.V. Raman Nagar,
Bangalore.
2. Shri I. Reddappa Reddy,
aged 24 years,
S/o. Venkataramana Reddy,
B-9/2, DRDO Complex,
C.V. Raman Nagar, Bangalore.
3. Shri S. Basava Raju,
26 years, S/o. Sunchappa,
9/1, Yemalur Village & PO
Bangalore.
4. Shri Kanchaiah, 30 years,
S/o. Kanchaiah,
C/o. P.Govindappa,
14, Suddugundapalya,
C.V. Raman Nagar,
Bangalore.
5. Shri S. Akbrose Thomas,
30 years, S/o.Susai,
281, 10th Cross,
Anandra Puram,
C.V. Raman Nagar,
Bangalore.
6. Shri Kempahamumaiah,
24 years, S/o. Gangaiah,
C/o.D. Nanjappa,
New Extension,
Yamalur Village & Post,
Bangalore.
7. Shri R. Muni Raju,
26 years, S/o.B. Ramaiah,
Bande Nagar,
M.S. Nagar Post,
Bangalore.



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8. Shri V.Rudre Gowda,
26 years, S/o.Veeranna,
C/o. Nanjappa,
New Extension,
Yamalur village & Post,
Bangalore.
9. Shri Jaya Seelan A,
24 years, S/o.Anthony Dass,
C/o.P. Joseph, 3rd Main Road,
Narayanappa Building,
Matadahally, Munireddy
Palya, Bangalore.
10. Shri P. Sridhar, 23 years,
S/o.L. Raja Rathnam,
92, Suddagunda Palya,
C.V. Raman Nagar, PO,
Bangalore.
11. Shri R. Manjunath, 20 years,
S/o. Rama Swamy, 178,
Kodiahlli near Muneswara
Temple, J.B. Nagar Post,
Bangalore.
12. Shri H. Sreenivasappa,
26 years, S/o. Huthanallappa,
Gonakana Halli,
Jadigenahalli Post,
Hoskote Taluk,
Bangalore District.
13. Shri K.S. Mariyappa,
28 years, S/o. Sidde Gowda,
43, S.C. Palya,
C.V. Raman Nagar Post,
Bangalore.
14. Shri S. Devaneshan,
26 years, S/o. C.Showri,
251, 5th Main, Ananda Puram,
C.V. Raman Nagar Post,
Bangalore.
15. Shri Ashok, 22 years,
S/o. Thippanna Pata Gowder,
Arthi Village & Post,
Magadi Taluk,
Bangalore District.
16. Shri Jayaram, 22 years,
S/o. Nanje Gowda,
C/o. Ulsoor Ramaiah,
S.G. Palya, C.V, Raman Nagar,
Bangalore.

P. L. K.

17. Shri H. Ramapaa, 24 years,
S/o. Hanumanthappa,
C/o. Hanumantharaiiah,
E-15, 'E' Block,
N.G.Os quarters,
6th Block, Rajajinagar,
Bangalore.

Applicants

(Sri M. R. Achar.....Advocate)

1. Scientific Adviser to
Raksha Mantri and Director
General, Research and
Development Organisation,
Dept. of Works & Housing
Ministry of Defence,
New Delhi.
2. Estate Manager,
Estate Management Office/Unit,
Ministry of Defence,
DRDO Township,
C.V. Raman Nagar Post,
Bangalore-93.

Respondents

This application having come up for hearing
before this Tribunal to-day, Hon'ble Shri P. Srinivasan,
Member (A), made the following :-

O R D E R

By these applications, the applicants want
us to review our order dated 12.8.1988 disposing
of A Nos. 1035 to 1051/88. The complaint of the
applicants in that application was that their
services as Casual Labourers (CLs) in the Estate
Management Office of the Defence Ministry at
Bangalore had been wrongly terminated though
the work for which they were engaged was not



P. Srinivasan

over. The respondents on the other hand urged that the particular work for which the applicants were so engaged was nearing completion and as such the number of CLs required had also got reduced and the strength was being brought down. We accepted this contention and held that the termination of services of applicants did not suffer from any infirmity. We may at this stage point out that the order was dictated by us in open court in the presence of all the parties.

2. There is an office objection pointing out that this application is delayed by 11 days. When we drew the attention of Shri Achar to this objection, he filed an application for condonation of delay. Under Rule 17 of the Central Administrative Tribunals (Procedural) Rules, 1987, no application for review shall be entertained unless it is filed within 30 days from the date of the order of which the review is sought. As mentioned earlier, we dictated the order in open court on 12.8.1988 in the presence of all parties. The applicants were thus aware of our decision on that day itself. The application for review should have been filed within 30 days therefrom i.e., on or before 10.9.1988. But the present application was filed on 21.9.1988. The reason for delay urged in the application for condonation is that the order was served on the applicant only on 23.8.1988. The limitation prescribed in the rules is with reference to the date of the order and not with

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reference to the date of its service. Even after 23.8.1988 the applicants could have very well filed the application for review before 10.9.1988 but they have not done so. On this ground itself viz., limitation - this application deserves to be rejected.

3. Since Shri Achar argued the merits of the review application in some detail, we have thought it fit to consider this aspect of the matter also. His contention is that the explanation offered by the respondents and accepted by us in our order dated 12.8.1988 that the strength of the establishment in which the applicants were appointed was being reduced, was incorrect. He seeks to support this contention by some appointment orders of CLs made by the respondents after we passed the order on 12.8.1988. The respondents stated in their reply to the original application that from time to time, CLs had to be recruited in the Estate Management Office for various purposes. We cannot assume that the fresh appointments stated to have been made after the services of the applicants were terminated were in connection with the same work for which the applicants were engaged. There is no automatic connection between the termination of the services of the applicants and the recruitment of others later. Unless it is patent that the facts urged



P. J. [Signature]

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before us earlier/incorrect, we cannot undertake a review of our order. We, therefore, feel that the applications for review does not deserve to be admitted and we cannot review our order.

4. In the result, the applications are rejected at the admission stage without notice to the respondents.



Sd/-

VICE-CHAIRMAN

20/9/87

Sd/-

MEMBER (A)

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SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL LENCH
BANGALORE
7/6

'A'!

**Commercial Complex
Indiranagar
Bangalore - 560 038**

Dated : 23 AUG 1988

APPLICATION NOS. 1035 to 1051/88(F)

Respondents

v/s

The Scientific Adviser to Raksha Mantri,
New Delhi & another

To

1. Shri Babu
A-1/1, DRDO Complex
C.V. Raman Nagar
Bangalore - 560 093
2. Shri I. Reddappa Reddy
B-9/2, DRDO Complex
C.V. Raman Nagar
Bangalore - 560 093
3. Shri S. Basava Raju
9/1, Yamalur Village & PO
Bangalore - 560 037
4. Shri K. Kenchaiah
C/o Shri P. Govindappa
14, Sudduguntapalya
C.V. Raman Nagar
Bangalore - 560 093
5. Shri S. Ambrose Thomas
281, 10th Cross
Ananda Puram
C.V. Raman Nagar
Bangalore - 560 093
6. Shri Kempahanumaiah
C/o Shri D. Nanjappa
New Extension
Yamaluru Village & PO
Bangalore - 560 037

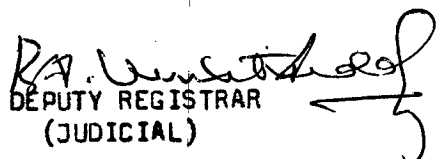
7. Shri R. Muni Raju
S/o Shri B. Ramaiah
Bande Nagar
M.S. Nagar Post
Bangalore - 560 033
8. Shri V. Rudre Gowda
C/o Shri D. Nanjappa
New Extension
Yamalur Village & PO
Bangalore - 560 037
9. Shri Jaya Seelan A.
C/o Shri P. Joseph
3rd Main Road
Behind Kakara Ashram
Narayanappa Building
Matadahally, Munireddy Palya
Bangalore - 560 006
10. Shri R. Sridhar
92, Suddagunta Palya
C.V. Raman Nagar PO
Bangalore - 560 093
11. Shri R. Manjunath
178, Kodihalli
Near Muneswara Temple
J.B. Nagar Post
Bangalore - 560 075

12. Shri H. Sreenivasappa
S/o Shri Huthanallappa
Gonakana Halli
Jadigenahalli Post
Hoskote Taluk
Bangalore District
13. Shri K.S. Mariyappa
43, S.G. Palya
C.V. Raman Nagar Post
Bangalore - 560 093
14. Shri S. Devanathan
251, 5th Main, Ananda Puram
C.V. Raman Nagar Post
Bangalore - 560 093
15. Shri Ashok
S/o Shri Tippanna Pata Gowder
Arthi Village & Post
Magadi Taluk
Bangalore District
16. Shri Jayaram
C/o Shri Ulsoor Ramaiah
S.G. Palya
C.V. Raman Nagar Post
Bangalore - 560 093
17. Shri H. Ramappa
E-15, 'E' Block
N.G. Os Quarters
6th Block, Rajajinagar
Bangalore - 560 010
18. Shri M. Raghavendra Achar
Advocate
1074-1075, Banashankari I Stage
Sreenivasanagar II Phase
Bangalore - 560 050
19. The Scientific Adviser to
Raksha Mantri & Director General
Research & Development
Ministry of Defence
DHQ PO
New Delhi - 110 011
20. The Estate Manager
Estate Management Office/Unit
Ministry of Defence
DRDO Township
C.V. Raman Nagar Post
Bangalore - 560 093
21. Shri M. Vasudeva Rao
Central Govt. Stng Counsel
High Court Building
Bangalore - 560 001

Subject : SENDING COPIES OF ORDER PASSED BY THE BENCH

Enclosed herewith please find the copy of ORDER passed by this Tribunal
in the above said applications on 12-8-88.

Encl : As above


DEPUTY REGISTRAR
(JUDICIAL)

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2. Estate Manager,
Estate Management Office/Unit,
Ministry of Defence,
DRDO Township,
C.V. Raman Nagar Post,
Bangalore-93.

... Respondents.

(Shri M. Vasudeva Rao, C.G.A.S.C.)

These applications having come up for hearing to-day,
Shri P. Srinivasan, Hon'ble Member (A) made the following:

O R D E R

All the 17 applicants before us were appointed as Casual Labourers (CL) in the Estate Management Office/Unit of the Defence Ministry at Bangalore. They were civilian employees of the Defence Ministry. The appointments were made on various dates in 1936 and 1937. A sample order of appointment which we have perused shows that they were to be paid a gross salary of Rs.756 per month in the pay scale of Rs.196-232 plus usual allowances. It was clarified that the appointment was purely on casual basis for a period of 30 days with no likelihood of extension. Their services were liable for termination at any time during the said period of 30 days without prior notice. It appears that after the expiry of ^{the} initial period of 30 days each one of them was reappointed from time to time and continued to work till June 1938. By separate letters issued to each one of the applicants, all dated 23.6.1938, the Estate Manager informed them that their employment as CL stood terminated with effect from the same date. It is these separate orders issued to each one of the applicants, that are being challenged in these applications.

P. Srinivasan



2. Shri M. Raghavendrachar, learned counsel for the applicants submitted that the applicants were for all intents and purposes given regular appointment through their letters of appointment calling their appointments casual; therefore their services could not be abruptly terminated. He contended that there was still work to be carried on in the office of Estate Manager. It was unfair labour practice to terminate the services of the applicants.

3. Shri M. Vasudeva Rao, learned counsel for the respondents submitted that in the nature of things the office of the respondent had to engage CL for short periods which was extended from time to time till the work to be carried out was completed. Once the work was over they could not be continued. Hence their services were terminated. Their initial appointment clearly stated that it would be for a fixed period and in any case when the work for which they were recruited was completed and the posts stood abolished the applicants can have no right to continue in employment.

4. We have considered the rival contentions carefully. We may here usefully extract the reply of the respondents:

"2. The Estate Management Unit is a newly formed organisation under the Ministry of Defence R & D, Organisation for the purpose of development of defence R & D residential estates. The Estate Management started in January 1986. The need of the organisation is the Estate Manager and the office consists of 4 or 5 administrative staff.



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3. The R&D Residential Complex, Bangalore was under construction for the last 3-4 years. To develop the area, the Estate Manager was given certain tasks like arboriculture, gardening, construction of parks for children, etc., To execute the above works, certain casual labour sanction was given for a period of 89 days at a time by R & D Headquarters.

Accordingly, the Estate Manager employed the labourers for day to day work till the sanctioned period and thereafter terminated their service. None of the applicants have come from the Employment Exchange.

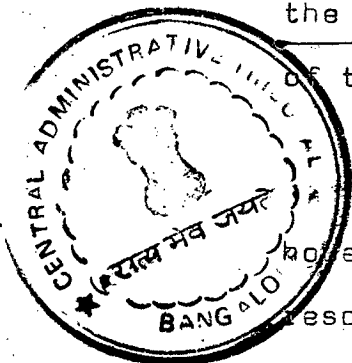
4. During the routine visit of senior officers from the R & D HQrs, New Delhi to the complex new developmental works were entrusted to Estate Manager and based on his appreciation of labour required, the additional sanctions for casual labour were being issued by the R & D HQrs.

5. Since the construction activities in this complex are nearing completion, less number of casual labourers are required and hence the strength is being brought down.

6. The EMU Bangalore has no permanent vacancy of labourers in the authorised establishment. The Estate Manager has no power to sanction Casual Labour."

We consider this to be an adequate answer to the claim of the applicants. We, therefore, feel that the termination of their services is not tainted with any legal flaw.

5. Before parting with these applications we must, however, notice that these applicants have worked for the respondents for periods ranging from 1 to 2½ years and



P. S. - 4

the termination of their services has happened for no fault of theirs. It would, therefore, be only appropriate if the respondents can consider rehabilitating all the applicants in any post under the Defence Ministry for which they may be eligible and may be found suitable. They may first be considered in this manner for any such post, casual or regular, that may arise in the city of Bangalore but if that is not possible they may consider them for any posts within the State of Karnataka. We do hope that the respondents will make a sincere effort in this regard.

6. With the above observations the applications are dismissed. Parties to bear their own costs.

Sd/-

VICE-CHAIRMAN

12/2/20

Sd/-

MEMBER (A)



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