

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH
* * * * *

Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated : 14 OCT 1988

APPLICATION NO.

907

/88(F)

W.P. NO.

Applicant(s)

Shri K.A. Nanjappa
To

1. Shri K.A. Nanjappa
Casual Labour
Office of the Sub-Divisional Engineer
Telegraphs
Arsikere
Hassan District

2. Shri M. Raghavendra Acharya
Advocate
1074-1075, Banashankari I Stage
Sreenivasa Nagar II Phase
Bangalore - 560 050

3. The General Manager
Telecommunications
Karnataka Circle
Bangalore - 560 009

4. The Divisional Engineer
Telegraphs
Davanagere Division
Davanagere

Respondent(s)
V/s The General Manager, Telecommunications,
Karnataka Circle, Bangalore & 3 Ors

5. The Divisional Engineer
Telegraphs
Hassan Division
Hassan

6. The Sub-Divisional Engineer
Telegraphs
Arsikere
Hassan District

7. 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 7-10-88

Received Copy

K.A. Nanjappa 14/10/88
(Applicant)

SECTION OFFICER
REGISTRATION
(JUDICIAL)

Encl : As above

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE

DATED THIS THE SEVENTH DAY OF OCTOBER, 1988

Present: Hon'ble Shri L.H.A. Rego

.. Member (A)

Hon'ble Shri Ch. Ramakrishna Rao

.. Member (J)

APPLICATION NO. 907/1988

Shri K.A. Nanjappa
S/o. Shri Anandanappa
Major, Casual Labour
O/O Telegraph
Arsikere.

.. Applicant

(Shri M.R. Achar, Advocate)

Vs.

1. The General Manager
Telecom, Bangalore.
2. The Divisional Engineer
Davangere Division
Davangere.
3. The Divisional Engineer
Telegraphs
Hassan Division
Hassan.
4. The Sub-Divisional Engineer
Telegraphs
Arsikere.

.. Respondents

(Shri M. Vasudeva Rao, Advocate)

This application having come up for
hearing before the Tribunal today, Hon'ble Member (A)
made the following:-



O R D E R

The applicant has herein, prayed for a direction to the respondents, to regularise his services in the establishment of the respondents, either in Arsikere Postal Sub-Division or in any other Sub-Division, wherever it is feasible to do so, and for such other direction, as deemed appropriate, in the circumstances of the case.

2. The following are the basic facts:

The applicant joined as a casual labourer on 1.8.1982, in the Department of Telegraphs, ^{as but} his enrolment as casual mazdoor, took effect only from 6.1.1983

i.e., from the date when he enrolled himself in the Employment Exchange. After the formation of Hassan Division, the applicant was required to work as a casual labourer, under the control of the Sub-Divisional Engineer, Telegraphs, Arsikere. The applicant states, that he was allowed to work only upto 23.8.1987, but was not allotted any work thereafter, in support of which, he refers to Annexure-B, which however, shows 31.10.1983, as the last date of appointment of the applicant, as casual labourer during the year 1983-84.

3. According to the applicant, the services of casual labourers, are to be regulated according to the instructions of the Government of India, notified on 23.11.1985. He has, however, not furnished a copy thereof.

4. The Supreme Court in its decision rendered on 27.10.1987 in W.P. No. 373/86, had directed the Telecom Department, to formulate a scheme on a rational basis, to help absorb as far as possible, such of the casual labourers who were continuously working for a period of more than one year in that Department, and to pay arrears of wages to them, within a period of four months from the date of that order.

5. The applicant alleges, that despite this directive of the Supreme Court, and repeated representations made by him to the concerned authorities in the matter, the respondents have not taken any steps, to regularise his services as a

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casual labourer. Hence this application.

6. Shri M. Raghavendra Achar, learned counsel for the applicant, contended, that his client has worked for more than 4 years in the Telecom Department but yet his services have not been regularised, which is illegal and unfair; that even though there was ample opportunity, to provide work on a regular basis to the applicant, who has put in more than 4 years of service, he has been denied this opportunity, and his services as a casual labourer, not regularised, so far.

7. The applicant has furnished at Annexure-C, a Seniority List of casual labourers/mazdoors as on 12.5.1987, to which however, there is no specific reference in his application. Shri Achar prays, that taking into account the above facts, the respondents be directed to regularise the services of his client at the earliest, in the Department.

8. The respondents have filed their reply resisting the application.

9. Shri M. Vasudeva Rao, learned counsel for the respondents, submitted, that in compliance with the judgement of the Supreme Court rendered on 27.10.1987, in the writ petition referred to above, the respondents in the Telecom Department, drew up a scheme on 23.9.1988. According to this scheme, all labourers engaged on casual basis, were to be paid

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wages, based on minimum pay, in the pay scale of the regular employees in the corresponding cadre w.e.f. 5.2.1986, without however granting them any increments. They were, however, entitled to dearness allowance and additional dearness allowance, if any, with due regard to the aforesaid minimum wage. They were not entitled to any other allowance. Shri Rao confirmed that all casual mazdoors in the Telecom Department, were being paid wages accordingly.

10. Shri Rao stated, that the drawing up of a seniority list of casual mazdoors was in process, and would be finalised before long. However, he clarified, that in the meanwhile, a Provisional Seniority List, was available with the Department, on the basis of which, employment of casual labourers/mazdoors, was being currently regulated. According to this List, he said, the applicant was far too junior and a large number of casual mazdoors, who had served for more than a decade or so, were senior to him. The so called Seniority List, furnished by the applicant at Annexure-C (to which there is no specific reference in the application proper), Shri Rao, affirmed, was not an authentic one. Shri Achar, however, could not refute this submission of Shri Rao, on the basis of any concrete evidence. Shri Rao further stated, that the applicant was merely enrolled as a casual labourer, but was not regularly appointed as such, in that capacity, in the Department, as stated by the applicant, and that his absorption as casual mazdoor

on a regular basis, would be considered by the Department as and when his turn would come.

11. Shri Rao repudiated the allegation of the applicant, that he was allowed to work by the Department only upto 23.8.1987 and that he was not allowed to work thereafter. He asserted, that the records of the Department clearly revealed that the applicant was assigned work as and when available and he had actually worked upto February, 1988. Shri Rao submitted, that the statement of the applicant that the Department had issued instructions through a notification on 23.11.1985, in regard to regularisation of services of casual labourers was not correct as no such notification was issued.

12. In the end, Shri Rao assured, that the Department would endeavour its best, to absorb the eligible casual mazdoors on a regular basis in the Department in accordance with the scheme drawn up in compliance with directives of the Supreme Court in the Writ Petition aforementioned and with due regard to the seniority of the casual labourers/mazdoors.

13. We have duly examined the rival contentions and the relevant material placed before us. We notice that the various contentions urged by the applicant in regard to seniority and work not assigned to him as a casual mazdoor, by the Department are not adequately substantiated. The entire application is too vague and imprecise.

14. Nevertheless, we direct the respondents to ensure that the Seniority List of the casual mazdoors in the Department is finalised expeditiously, but not



later than three months, from the date of receipt of this order, with a view not only to help regularise ultimately the services of the applicant in the Department but also to regulate in the meanwhile, provision of work to him in the Department, on the principle of 'first come first serve', with due regard to his suitability and the parameters outlined in the scheme drawn up by the Department, pursuant to the directives of the Supreme Court in the writ petition referred to above.



14. The application is disposed of in the above terms. No order as to costs.

Sd|-

Sd] -

MEMBER (A) T. 9188

MEMBER (J) 7-1088

mr.

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~~RENTING FEE FOR R.S.~~
SECTION C.F.T.
CENTRAL ADMINISTRATIVE BUILDING
ADDITIONAL BENCH
BANGALORE

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex (BDA)
Indiranagar
Bangalore - 560 038

Dated : 6 FEB 1989

REVIEW APPLICATION NO (S) 130 / 88
IN APPLICATION NO. 907/88(F)
W.P. NO (S)

Applicant (s)

The General Manager, Telecom,
Karnataka Circle, B'llore & 3 Ors
To

Respondent (s)

Shri K.A. Nanjappa

1. The General Manager
Telecommunications
Karnataka Circle
Bangalore - 560 009
2. The Divisional Engineer
Telegraphs
Davanagere Division
Davanagere
3. The Divisional Engineer
Telegraphs
Hassan Division
Hassan
4. The Sub-Divisional Engineer
Telegraphs
Arsikere
Hassan District
5. Shri M. Vasudeva Rao
Central Govt. Stng Counsel
High Court Building
Bangalore - 560 001
6. Shri K.A. Nanjappa
Casual Labour
Office of the Sub-Divisional Engineer
Telegraphs
Arsikere
Hassan District
7. 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

Please find enclosed herewith a copy of ORDER/STAN/INFORM/ORDERS
passed by this Tribunal in the above said application(s) on 30-1-89.

By: *[Signature]*
DEPUTY REGISTRAR
(JUDICIAL) *[Signature]*

Encl : As above

3. In Application No.907/1988, the respondent-applicant sought for a direction to regularise his services. A Division Bench of this Tribunal consisting of one of us i.e. Hon'ble Shri L.H.A. Rego (AM) and Shri Ch. Ramakrishna Rao, Hon'ble Member (J) disposed of the same on 7.10.1988 with the following directions:

"Nevertheless, we direct the respondents to ensure that the Seniority List of the casual mazdoors in the Department is finalised expeditiously, but not later than three months from the date of receipt of this order, with a view not only to help regularise ultimately the services of the applicant in the Department but also to regulate in the meanwhile, provision of work to him in the Department, on the principle of 'first come first serve', with due regard to his suitability and the parameters outlined in the scheme drawn up by the Department pursuant to the directives of the Supreme Court in the writ petition, referred to above."

4. Shri Rao contends that the direction to regularise the services of the applicant applying the principle 'first come first serve' and the drawing up of a Seniority List in adherence to the same with due regard to the nature and continuity of service rendered by the respondent and others, was totally ~~unapplicable~~ and therefore the order of this Tribunal suffers from a patent error to justify a review under Section 22(3)(f) of the Act.

5. In its order, this Tribunal had directed the applicants-respondents to consider the case of the respondent-applicant in the light of a scheme drawn up by the Department in pursuance of a direction issued by the Supreme Court. All that is stated in the order of the Tribunal must be read in the context and collocation of that scheme drawn up by the Department and the directions by the Supreme Court and they cannot be read in isolation, as otherwise the result would not accord with what was intended by the order of this Tribunal in the original application. If the order of this Tribunal is so read, as it should be, then the apprehension of the applicants-respondents on the order of this Tribunal is unfounded and there is hardly any justification for review of our order. We reiterate that is the correct position.

6. With the above clarification we dismiss this review application as meritless. But in the circumstances of the cases, we direct the parties to bear their own costs.

Sd—

VICE-CHAIRMAN *30/11*

MR/MRV.

TRUE COPY

Sd—

MEMBER (A) *120-1-929*

for Deo
DEPUTY REGISTRAR (JD)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

REGISTERED

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Commercial Complex(BDA),
Indiranagar,
Bangalore- 560 038.

Dated: 17 FEB 1988

APPLICATION NO. 985 /87 (F)

W.P.No.

APPLICANT

vs

RESPONDENTS

Shri V. Ilango van

The GM, Telecom, Bangalore & 3 Ora

To

1. Shri V. Ilangovan
No. 25, Vedanis
Hassan Road
Arsikere
Hassan District.
2. Shri M. Raghevendra Achar
Advocate
1074-1075, Banashankari I Stage
Bangalore - 560 050
3. The General Manager
Telecom
Karnataka Circle
Bangalore - 560 009
4. The Divisional Engineer
Telegraphs
Davanagere Division
Davanagere
5. The Divisional Engineer
Telegraphs
Hassan Division
Hassan

6. The Sub-Divisional Engineer
Telegraphs
Arasikere
Hassan District
7. 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/9000/

XXXXXX passed by this Tribunal in the above said application

11-2-88

Encl: as above.

~~RECEIVED~~
DEPUTY REGISTRAR
(JUDICIAL)

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE**

DATED THIS THE 11TH DAY OF FEBRUARY, 1988

Present Hon'ble Shri Justice K.S. Puttaswamy, Vice-Chairman
and
Hon'ble Shri P. Srinivasan, Member (A)

APPLICATION NO. 985/1987

Sri V. Ilangovan,
S/o. Vadial,
No.25, Vedanis,
Hassan Road,
Arsikere. **Applicant.**

(Shri M. Raghavendrachar, Advocate)

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1. The General Manager,
Telecom, Bangalore.
2. Divisional Engineer,
Davanagere Division,
Davanagere.
3. Divisional Engineer,
Telegraphs,
Hassan Division,
Hassan.
4. Sub-Divisional Engineer,
Telegraphs,
Arasikere. Respondents.

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

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

ORDER

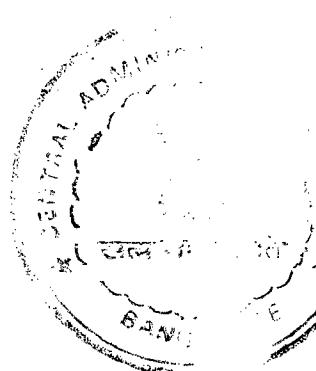
Heard Shri M. Raghavendrachar, learned Advocate for the applicant and Shri M. Vasudeva Rao, learned Additional Central Government Standing Counsel for the respondents.

2. This is an application filed under Section 19 of the Administrative Tribunals Act, 1985 ('Act').

3. The applicant who has been working as a casual labourer of and on under the control of the Sub-Divisional Officer (Telegraphs) Arsikere, has sought for a direction to the respondents to regularise his services and for other incidental reliefs. In their reply, the respondents have resisted this application on diverse grounds.

4. On the very questions that arise before us, the Supreme Court in its order made on 27.10.1987 in Writ Petition No. 373 of 1986 and connected cases (DAILY RATED CASUAL LABOUR EMPLOYED UNDER P&T DEPARTMENT, THROUGH BHARATIYA DAK TAR MAZDOOR MANCH v. UNION OF INDIA AND OTHERS) had issued various directions to the Union of India and its various subordinate authorities impleaded in those cases. We need hardly say that the directions issued by the Supreme Court in these cases are bound to be taken note of by the respondents in this application also and the case of the applicant also for regularisation and other claims regulated in terms of the order of the Supreme Court. We have no doubt that the respondents will do so. Even on the allotment of work and wages also, we have no doubt that respondents will do so on the length of service of the applicant and accommodate him wherever it is possible and only to the extent that is possible to do so. With these observations only we dispose of this application. But in the circumstances of the case we direct the parties to bear their own costs.

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DEPUTY REGISTRAR (JDLT)
CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE

Sd/-

Vice-Chairman

21-2-1987

Sd/-
Member (A)