

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE - 560 033.

Miscellaneous Appln. No. 576 of 1994 dated: **5 JUN 1995**

APPLICATION NO. 524 of 1993.

APPLICANTS: Mr. Rajendra,
V/S.

RESPONDENTS: Secretary, Ministry of Communications,
New Delhi and others.

To

1. Sri. M. Vasudeva Rao, Additional Central
Govt. Standing Counsel, High Court Bldg,
Bangalore-560001.
2. Sri. B. A. Kulkarni, Advocate,
No. 48, 57th-A-Cross, Fourth Block,
Rajajinagar, Bangalore-560 010.

Subject:- Forwarding copies of the Orders passed by the
Central Administrative Tribunal, Bangalore-38.

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Please find enclosed herewith a copy of the Order/
Stay Order/Interim Order, passed by this Tribunal in the above
mentioned application(s) on 31st May, 1995.

Issued on
5/6/95


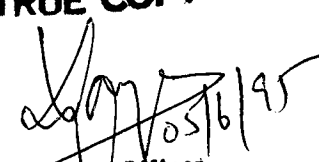
DEPUTY REGISTRAR
JUDICIAL BRANCHES.

**In the Central Administrative Tribunal
Bangalore Bench
Bangalore**

Application No. 524 of 1993

Sri Rajendra n/r. Secy. M/o. Comm. New Delhi, MA 576/94

ORDER SHEET (Contd.)

Date	Office Notes	Orders of Tribunal
		<p>PKS (VC)/TVR (MA)</p> <p>31.5.1995</p> <p>M.A. No. 576/1994 for extension of time stands rejected.</p> <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <div style="text-align: center;"> <p>Sd-</p> <p>MEMBER (A)</p> </div> <div style="text-align: center;"> <p>Sd-</p> <p>VICE CHAIRMAN</p> </div> </div>
		<p style="text-align: center;">TRUE COPY</p> <p style="text-align: center;">  Section Officer Central Administrative Tribunal Bangalore Bench Bangalore </p>

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE- 560 038.

Dated: 29 NOV 1994

APPLICATION NO: MA 515/94 (in OA 524/93)

APPLICANTS:- Secy, M/o Communication, N Delhi & 5 crl.
V/S.

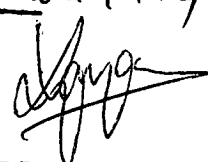
RESPONDENTS:- Rajendra.

- T. 1. Sn. M. V. Rao
Add. C. G. S.C.
High Court Bldg
Bangalore - 1
2. Sn. P. A. Kulkarni
Advocate
No 48, 57th A' cross,
4th Block, Rajaji Nagar,
Bangalore - 560010.

Subject:- Forwarding of copies of the Orders passed by the
Central Administrative Tribunal, Bangalore.
--xx--

Please find enclosed herewith a copy of the ORDER/
~~STAY ORDER/INTERIM ORDER/~~ passed by this Tribunal in the above
mentioned application(s) on 23rd November 1994

o/c
Issued on 29/11/94
GAB.


for
DEPUTY REGISTRAR
JUDICIAL BRANCHES.

MA 515/94
W O A 524/93

2

Date

Office Notes

Orders of Tribunal

XX

PKS(VC)/TVR(MA)

23.11.1994

Orders on M.A.No.515/94 for extension of time

Heard. We see no reason to grant extension of time in the matter of compliance of the order which was passed as back as 1.12.1993. Since then, it turns out to be that the counsel for the Govt. has been seeking extension of time. We see no reason to grant time to Govt. for complying with the directions of the Tribunal. and therefore the application for extension of time is rejected. Accordingly, M.A. for extension of time stands rejected.

Sd/-
MEMBER (A)

Sd/- 7
VICE CHAIRMAN



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[Signature]
Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore

MA 515/94
WOA 524/93

2

Date

Office Notes

Orders of Tribunal

XX

PKS(VC)/TVR(MA)

23.11.1994

Orders on M.A.No.515/94 for extension of time

Heard. We see no reason to grant extension of time in the matter of compliance of the order which was passed as back as 1.12.1993. Since then, it turns out to be that the counsel for the Govt. has been seeking extension of time. We see no reason to grant time to Govt. for complying with the directions of the Tribunal. and therefore the application for extension of time is rejected. Accordingly, M.A. for extension of time stands rejected.

Sd/-
MEMBER (A)

Sd/-
VICE CHAIRMAN



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[Signature]
Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
BANGALORE- 560 038.

Dated: **4 OCT 1994**

Miscellaneous APPLICATION NO: 425 & 426 of 1994 in OA.no.524/1993.

APPLICANTS:- Mr.Rajendra

V/S.

RESPONDENTS:- Secretary, M/o. Communications, N Delhi and
others.

To


1. Sri.M.Vasudeva Rao, Additional Central Government
Standing Counsel, High Court Building, Bangalore-1.
2. Sri.P.A.Kulkarni, Advocate, No.48, 57th-A-Cross,
Fourth ~~Block~~ Block, Rajajinagar, Bangalore-10.

Subject:- Forwarding of copies of the Order passed by the
Central Administrative Tribunal, Bangalore.
--xx--

Please find enclosed herewith a copy of the ORDER/
STAY ORDER/INTERIM ORDER/ passed by this Tribunal in the above
mentioned application(s) on 28th September, 1994.

Issued on

4/10/94


DEPUTY REGISTRAR
JUDICIAL BRANCHES.

**In the Central Administrative Tribunal
Bangalore Bench
Bangalore**

Misc. Application No. 425/426 of 1994

Srs. Rajendra. N/S. Secy. M/o. Communications, N. Delhi & ors. **ORDER SHEET (contd)**

Date	Office Notes	Orders of Tribunal
		<p>VR (MA)/ANV (MJ) 28.9.94</p> <p>The respondents in OA have sought for extension of time for a period of two months from 15.9.94 enclosing the letter of department of telecommunication dated 15th September, 94 stating that the department wants two months time for implementation of the judgment. Having heard heard both sides, because the department wants to implement the direction of this Tribunal within a period of two months, we deem it proper to extend the time for a period of two months from 15.9.94. Accordingly the MA 425/94 is disposed of extending the time.</p>

MEMBER (J)

MEMBER (A)



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[Signature]
Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-560 038.

Miscellaneous Appn No. 295/94

Dated:- 28 JUL 1994

W.P.

APPLICATION NUMBER: 524 of 1993

APPLICANTS:

Mr. Rajendra
I.o.

RESPONDENTS:

y/s. Secretary, Mf. Communications, N. Delhi and
Others.

①. Sri. M. Vasudeva Rao, Addl. C.G.S.C.,
High Court Bldg, Bangalore-1.

②. Sri. P.A. Kulkarni, Advocate,
48, 57th A. Cross, 4th Block,
Rajajinagar, Bangalore-10.

Subject:- Forwarding of copies of the Orders passed by the
Central administrative Tribunal, Bangalore.

Please find enclosed herewith a copy of the ~~ORDER~~
~~STAY ORDER/INTERIM ORDER~~, passed by this Tribunal in the above
mentioned application(s) on 11-07-94

Issued on

28/7/94

R.

o/c

for

DEPUTY REGISTRAR
JUDICIAL BRANCHES.

S. Shanmugam 28/7

**In the Central Administrative Tribunal
Bangalore Bench
Bangalore**

Application No. 524 of 1993

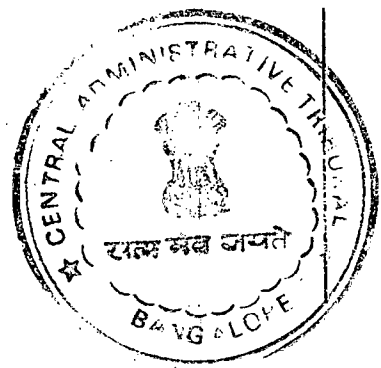
Mr. Rajendra

ORDER SHEET (contd.)
Secretary, Info Communications, N Delhi & Ors.

Date	Office Notes	Orders of Tribunal
		<p><u>PKS (VC)/TVR (MA)</u> <u>11.7.94</u></p> <p style="text-align: center;"><u>Orders on MA.No.295/94</u></p> <p>Heard Shri M.V. Rao. Although we feel justified in rejecting this application seeking extension of time for complying with the directions of the Tribunal given in O.A.No.524/93 disposed of on 1.12.93, acceding, however, to the plausible submissions of Shri Rao, we grant further time limited to two months for the same. No further extension will be granted. M.A. stands disposed of finally as aforesaid.</p>

sd-
M(A)

sd-
V.C.



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Se Shauhar
SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

Second Floor,
Commercial Complex,
Indiranagar,
Bangalore-38.

Dated: **21 DEC 1993**

APPLICATION NO(s) 524 of 1993.

APPLICANTS: Rajendra

v/s. RESPONDENTS: Secretary, Ministry of
Communications, New Delhi & Others.


TO.

1. Sri.P.A.Kulkarni, Advocate,
No.48, 57th-A-Cross,
Fourth Block, Rajajinagar,
Bangalore-560010.
2. The Chief General Manager,
Telecom, Karnataka Circle,
1, Old Madras Road, Ulsoor,
Bangalore-560 008.
3. Sri.M.Vasudeva Rao,
Central Govt.Stng.Counsel,
High Court Buldg,
Bangalore-560 001.

SUBJECT:- Forwarding of copies of the Orders passed by
the Central Administrative Tribunal, Bangalore.


-xxx-

Please find enclosed herewith a copy of the
ORDER/STAY ORDER/INTERIM ORDER/, Passed by this Tribunal
in the above mentioned application(s) on 01-12-1993.


DEPUTY REGISTRAR
JUDICIAL BRANCHES.

gm*

Issued



CENTRAL ADMINISTRATIVE TRIBUNAL: BANGALORE BENCH

ORIGINAL APPLICATION NUMBER 524 OF 1993

DATED THIS THE 1ST DAY OF DECEMBER, 1993

Mr. Justice P.K. Shyamsundar, .. Vice-Chairman.

And

Mr. V. Ramakrishnan, .. Member(A).

Rajendra,
S/o Govindaraj,
Aged about 25 years,
(regular casual Labour Establishment)
Central Telegraph Office,
Mangalore.

.. Applicant.

(By Advocate Shri P.A. Kulkarni)

v.

1. Union of India
to be represented by Secretary
to the Ministry of Communication,
New Delhi.
2. Department of Telecommunications,
Government of India to be
represented by its Head of the
Department, New Delhi.
3. The Chief General Manager,
Karnataka Circle, Bangalore-8.
4. The Director Telecom,
Mangalore Area, Mangalore.
5. Superintendent of Telegraph
Office, Mangalore.
6. Superintendent,
Central Telegraph Offices,
Mangalore.

.. Respondents.

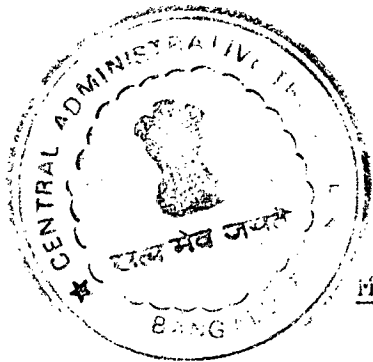
(By Standing Counsel Shri M. Vasudeva Rao)

ORDER

Mr. Justice P.K. Shyamsundar, Vice-Chairman:

Admit. We have heard Sri P.A. Kulkarni, learned counsel for the applicant and Sri M. Vasudeva Rao, learned Standing Counsel for the Telecom department, the sole contesting respondent in this application in which the applicant seeks the following reliefs:-

"(a) For issue of directions to the respondents to



consider the case of the applicant for regularisation of his services in Group-D cadre on the basis of his continuous working in the department from 1986.

- (b) For issue of further directions to the respondents for extension of benefits of wages as per Department of Telecom orders contained in No.MOC 10-13/87-rates dated 23-2-1988 Anneuxre-3 and also O.M.No.49014/2/86-Estt.(C) dated 7-6-1988 issued by the Government of India, Department of Personnel and Training.
- (c) For issue of directions for drawal of arrears of wages and payment of the same to the applicant without any further delay, interms of grant of relief (b) above.
- (d) Any other order or directions that this Hon'ble Tribunal deems it fit and necessary in the circumstances of the case and for which this applicant may be found entitled to in the opinion of this Hon'ble Tribunal."

Although the matter was contested by the department by filing a written statement, it now transpires regard being had to the recent decision of the Full Bench of this Tribunal in SARKUBAI AND ANOTHER v. THE SECRETARY, MINISTRY OF COMMUNICATIONS AND OTHERS [O.A.Nos.912 & 961 of 1992 dated 7-6-1993] it has now become settled law that the benefits available to a casual labourer under the Casual Labourers (Grant of Temporary Status and Regularisation) Scheme should be extended even to part time casual labourers such as the applicant herein who has been working as part time waterman and part time gardener right from the year 1986, an aspect which the department readily accepts and has in fact provided information in the course of its reply indicating the period during which the applicant has worked as part time waterman. The chart indicates that he had worked 119 days in 1986, 45 and 31 days in 1987, 31 days in 1988 and from 1-9-1988 till date accounting for more than 5 years from 1988. In the light of the foregoing, it becomes clear that the applicant is entitled to an order granting him temporary status under the scheme as held by the Full Bench in the decision referred to supra. The relevant observations of the Full Bench

are at paras 13 and 14 which read -

"13. Having regard to the aforesaid circumstances, we do not feel persuaded to reconsider the consistent view taken by the Ernakulam Bench of this Tribunal that the benefit of "Casual Labourer (Grant of Temporary Status and Regularisation) Scheme" in so far as it pertains to the grant of temporary status and further absorption in Group-D posts is equally applicable to part-time casual labourers like the applicants also. Hence, it follows that the applicants herein are entitled to have the same relief as granted in similar cases by the Ernakulam Bench.

14. For the reasons stated above, these applications are allowed and the respondents are directed to confer upon the applicants temporary status in Group-D posts from 2-11-1989 pending their absorption in Group-D posts in accordance with the "Casual Labour (Grant of Temporary Status and Regularisation) Scheme. The applicants, however, will not be entitled to any arrears of emoluments arising out of the above said direction till the date of their filing the respective applications. The above directions shall be complied with by the respondents within 6 months from the date of receipt of this order."

2. Having regard to the pronouncement of the Full Bench as above, it becomes clear the applicant has to be granted the benefit of that judgment. In terms of the above there will now be a direction asking the department to confer upon the applicant temporary status in Group-D post with effect from 1-10-1989 on which date the Scheme became operative with reference to the telecom department of which the applicant is an employee. Taking that to be the cut off date, we direct the department to confer on the applicant temporary status in Group-D with effect from 1-10-1989 pending absorption in Group-D post in accordance with the Casual Labour (Grant of Temporary Status and Regulation) Scheme. The applicant will not be entitled to any arrears of emoluments arising out of the above said direction, till the date of filing the instant application before this Tribunal i.e., 24-5-1993. The other direction i.e, conferring of temporary status should be complied with by the respondents within 6 months from the date of receipt of a copy of



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this order. No costs,

3. We make it clear that this order is passed on the assumption that the applicant is qualified for grant of temporary status in all other respects.

Sd-

MEMBER (A)

Sd-

VICE-CHAIRMAN.



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[Signature]
SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL DEPUTY
BANGALORE

21/12/93