

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

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

Dated: **1 FEB 1994**

APPLICATION NO(s) 794 of 1993.

APPLICANTS: B. Jagadeesha v/s. RESPONDENTS: Central Water Commission,
Bangalore and Others.

TO.

1. Sri.M.Narayanaswamy,
Advocate, No.844, Upstairs,
17-G-Main Road, 5th Block,
Rajajinagar, Bangalore-10.
2. Executive Engineer,
Central Water Commission,
Cauvery Division, H.No.701,
47-A-Cross Road, V-Block,
Jayanagar, Bangalore-560 041.
3. Sri.M.S.Padmarajaiah, S.C.G.S.C.,
High Court Bldg, Bangalore-1.

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 13-01-1994.

*Issued on
21/2/94*

ok

for *N. Anand*
DEPUTY REGISTRAR
JUDICIAL BRANCHES. *1/2/94*

gm*

CENTRAL ADMINISTRATIVE TRIBUNAL

BANGALORE BENCH

ORIGINAL APPLICATION No.794/93.

THIS THE 13TH DAY OF JANUARY, 1994

SHRI JUSTICE P.K. SHYAMSUNDAR .. VICE CHAIRMAN

SHRI T.V. RAMANAN ... MEMBER (A)

B. Jagadeesha,
S/o. B. Bangerappa,
Aged about 29 years,
Seasonal Observer, Gr.II,
Central Water Commission,
Office of the Junior Engineer,
Kellodu,
Hosadurga Taluk,
Dt.Chitradurga. ... Applicant

(By Advocate Shri M.Narayanaswamy)

Vs.

1. The Superintending Engineer,
Cauvery & Southern River's Circle,
Central Water Commission,
H.No.621, 80 Feet Road (1st Main),
IIInd Block, Rajajinagar,
Bangalore - 560 010.
2. The Executive Engineer,
Central Water Commission,
Cauvery Division,
H.No.701, 47-A, Cross Road,
V Block, Jayanagar,
Bangalore - 560 041.
3. The Assistant Executive Engineer,
Central Water Commission,
Upper Tungabhadra Sub-Division,
Davangere,
Residing at No.352/2A, 9th Cross,
P.J. Extension, Davangere-577 004. ... Respondents

(By Advocate Shri M.S. Padmarajaiah)
Central Govt. Sr. Standing Counsel.

ORDER

Shri T.V. Raman. Member (A).

We have heard Shri M.Narayanaswamy, learned counsel for
the applicant and Shri M.S. Padmarajaiah appearing for the respondents.



2. We find that the post of Seasonal Observer in the department is required by the department only during the monsoon season and accordingly over a period of time, the applicant had been given appointment and thereafter, wherever not extended, the appointment was terminated. The learned counsel for the applicant is of the view that over the years, the appointment of the applicant having been made, although, the work is seasonal, the department should be required to appoint him on a regular basis to look after the work entrusted to the Seasonal Observer. Counsel for the respondents made it very clear that the tasks entrusted to the holders of the posts of Seasonal Observer are not such as may require their appointment throughout the year. The tasks are required to be performed only during the monsoon season. Further, he also submitted that the department had no funds for payment of salary to the applicant beyond the period for which he was employed. Counsel for the applicant relied upon the judgment of the Ahmedabad Bench of this Tribunal in O.A.No.416 of 1986 with 417 of 1986 decided on the 1st July, 1987 (Mahesh B. Dhobi Inayakali S. Saiyed Vs. Govt. of India, Central Water Commission). We find that in that case, certain persons had been engaged as casual labour for seasonal work during the monsoon season. But, their services were dispensed with as soon as the season was over. However, for the next season, the persons previously engaged were not considered and appointments were given to others. That case is quite distinct from the case before us. Here, there is no complaint that the applicant was not being engaged during every season. But, the grievance is that the applicant should be continued in the post on a regular basis without termination of his services periodically.

3. As the department does not require the services of a Seasonal Observer throughout the year, it will be difficult for us to accede to the request made by the applicant. Where there is not enough work throughout the year, we cannot direct the respondents to create a post only to accommodate the applicant all through the year. Therefore, we do not accept the plea of counsel for the applicant. However, before closing this order, we would suggest that the respondents may maintain a list as directed in the Ahmedabad Bench of the Tribunal's order supra that the respondents may maintain some kind of a seniority list of persons engaged from time to time for appointment to the posts of Seasonal Observer and give preference to those who have already worked on the basis of their seniority. It may not be necessary to subject them to interview every year. By doing so, the department will also be saved of labour and any infructuous expenditure. We also leave it open to the department to consider the prayer made by the applicant that the department should make the post a regular one for being held by him throughout the year and not only during the monsoon season. While considering this, the department may also take into account the feasibility of the incumbent of the post of Seasonal Observer doing the Observer's work during the season and any other work for the department off season, i.e., for the rest of the year.

4. With the above observations, the application is disposed of. No order as to costs.



TRUE COPY

M. Deek S
SECTION OFFICER
CENTRAL ADMINISTRATIVE TRIBUNAL
ADDITIONAL BENCH
BANGALORE

17/2/94
Sd-
(T.V. RAMANAN)
MEMBER (A)

Sd-
(P.K.SHYAMSUNDAR)
VICE CHAIRMAN

In the Central Administrative Tribunal
Bangalore Bench
Bangalore

CA No. 794/93

C.P. (Civ) Application No. 511 of 1993

B. Jagadeesha v. K. Mahadevappa, Asst Exe. Engg. CHNC, Blase

ORDER SHEET (contd)

Date	Office Notes	Orders of Tribunal
		<p>VR (MA)/ ANV (MJ) 13.1.94</p> <p>Heard Shri M.N. Swamy, the learned counsel for the contempt petitioner. He states that the applicant has since been reinstated in service. As such, this contempt petition does not survive and is dismissed.</p> <p>Sd- M(J) Sd- M(A)</p> <p>TRUE COPY</p> <p><i>Se. S. Narayan</i> SECTION OFFICER CENTRAL ADMINISTRATIVE TRIBUNAL ADDITIONAL SECRETARY BANGALORE</p>

