

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

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

Dated: **12 DEC 1994**

APPLICATION NO: 955 of 1994.

APPLICANTS:- Sri.C.Mallaiah,
V/S.

RESPONDENTS:- Secretary, Ministry of Agriculture, N Delhi and
others.

To

1. Sri.A.R.Holla, Advocate, No.3, Second Floor,
Sujatha Complex, First Cross, Gandhinagar,
Bangalore-560 009.
2. Sri.M.Vasudeva Rao,
Additional Central Government Standing Counsel,
High Court Building, Bangalore-560001.

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

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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 16-11-1994.

Issued on
12/12/94

[Signature]
o/c for DEPUTY REGISTRAR
JUDICIAL BRANCHES.

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH: BANGALORE

ORIGINAL APPLICATION NO. 955/94

WEDNESDAY, THE SIXTEENTH DAY OF NOVEMBER, 1994

SHRI V. RAMAKRISHNAN.

...MEMBER (A)

SHRI A. N. VUJJANARADHYA.

...MEMBER (J)

C. Mallaiah,
S/o Late Chikkamalluraiah,
aged 36 years,
Farm Attendant,
Central Cattle Breeding Farm,
Hessarghatta,
Bangalore-560 088.

...Applicant

By Advocate Shri A.R. Holla.

Versus

1. Union of India by its
Secretary,
Department of Animal
Husbandry & Dairying,
Ministry of Agriculture,
Krishi Bhavan,
New Delhi-110 001.

2. The Director,
Central Cattle Breeding Farm,
Hessarghatta,
Bangalore-560 088.

...Respondents

By Advocate Shri M. Vasudeva Rao, A.C.G.S.C.

O R D E R

Shri V. Ramakrishnan, Member (A)

The applicant herein has prayed for a direction
to the respondents to regularise his services on permanent



basis in Central Cattle Breeding Farm, Hessarghatta and also to entrust the clerical duties to him.

2. We have heard both sides.

3. This is the third round of litigation. In OA 57/92, he along with a number of others had moved this Tribunal for getting absorbed against Group 'D' post. The Tribunal by its order dated 20th April, 93 had directed the department to assess the work load and to create ^{here} ~~be~~ minimum number of posts that will be essentially required and to regularise the services of the applicants, if they are eligible, against the additional posts and vacancies that may arise in the normal course in accordance with rules. The department was also directed to complete the exercise within a period of six months. The applicant had subsequently moved this Tribunal in OA 647/92, where he had sought for regularisation in group 'C' cadre. This application was dismissed by this Tribunal by order dated 3rd August, 93, where it was held that he had to fix himself firmly in group 'D' category before looking for further advancement in his career. In the present application, the prayer is for regularisation in group 'D' as also entrustment of clerical duties to him. The learned counsel for the department opposes the second part of the prayer on the ground that the request is barred by the principle of resjudicata as the request has already been turned down by this Tribunal. He also denies the contention that the applicant had all along been discharging the clerical duties when he was working with the department. He also submits that unless he is appointed to group 'C' post,

the question of entrusting him the duties of group 'C' post will not arise.

4. As regards the first prayer, Shri M.V.Rao tells us that the department had created sufficient number of posts at group 'D' level, which would cover the present applicant also. The applicant had been appointed on adhoc basis and continues to function as such. The question of regularisation in group 'D' cadre is pending with the Ministry for the reason that the recruitment rules are in the process of finalisation. He further submits that the rules would be finalised very soon, and immediately on finalisation of recruitment rules, the applicant's case will be considered along with others and he will be regularised in group 'D' post. He further submits that the entire process will be completed within a period of two months from today i.e. before 15.1.1995 and the applicant's adhoc appointment will continue till then.

We note the submission of Shri Rao.

5. In the light of the position as brought out by the respondents, all that we can do at this stage is to direct the respondents to finalise the recruitment rules concerning group 'D' category as soon as possible and in any case not later than the end of December, 1994. The applicant's case for regularisation in group 'D' cadre should also be considered and if eligible, he should be regularised and necessary orders be issued for such regularisation in group 'D' post. This exercise should be completed not later than 15th January, 1994. As regards

the other prayer that he should be entrusted with the clerical duties, we are unable to assist the applicant in any manner as his claim for regularisation in group 'C' post has already been considered and dismissed in OA 647/92 and the question of giving a direction to the department to entrust clerical duties to an official in group 'D' cadre would not arise.

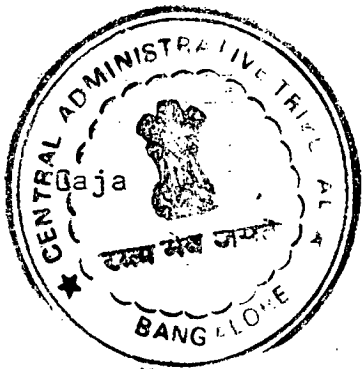
6. With the above observation, we finally dispose of the application with no order as to costs.

Sd/-

(A.N.VUJJA NARADHYA)
MEMBER (J)

Sd/-

(V.RAMAKRISHNAN)
MEMBER (A)



TRUE COPY

Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

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

Dated: 24 JAN 1995

Miscellaneous APPLICATION NO: 36 of 1995 in OA.NO.955/94.

APPLICANTS:- Sri.C.Mallaiah,

V/S.

RESPONDENTS:- Secretary, M/o. Animal Husbandry & Dairying,
New Delhi and others.,

To


1. Sri, A.R.Holla, Advocate, No, 3. Second Floor,
First Cross, Sujatha Complex, Gandhinagar,
Bangalore-560009.
2. Sri.M.Vasudeva Rao, Additional Central Government
Standing Counsel, High Court Building, Bangalore-1.

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

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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 18-01-1995.

Issued on
24/01/95


for DEPUTY REGISTRAR
JUDICIAL BRANCHES.

9c

C. Ballalalal Secretary, NCB Animal Husbandry & Dying, Delhi

Date

Office Notes

Orders of Tribunal

VR(MA)/ANV(MT)
18-1-95

Heard. MANG. 36/95

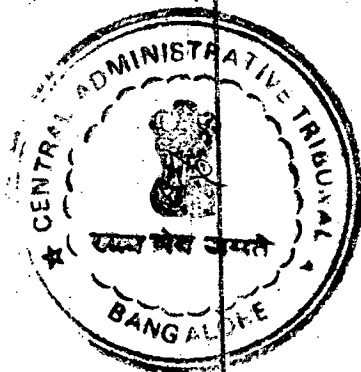
Time extended till end of February, 95 for finalisation of recruitment rules concerning the group 'D' category. Accordingly MA 36/95 is disposed of.

Sd-

Sd-

M(T)

MCA)



TRUE COPY

[Signature]
24/01/95
Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore