

CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH

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

Dated:- 5 SEP 1994

APPLICATION NUMBER: 311/94 and 331 to 333/94

APPLICANTS:

Sri K.H. Kadalaiah and v/
To. three Others

RESPONDENTS:

Executive Engineer Civil
Engineering Divn-III, M/o. Environment
and Forests, B'lore and Others.

- ① Sri D. Leelakrishnan, Advocate,
No. 28, Rajasnow Bldgs,
Seshadripuram, Bangalore-560020.
- ② Sri M.S. Padmarajaiah,
Sr. C.G.S.C. High Court Bldg,
Bangalore-560001

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 18th August 94

Issued on
5/9/94

/c

for S. Shanmugan
DEPUTY REGISTRAR
JUDICIAL BRANCHES.

**CENTRAL ADMINISTRATIVE TRIBUNAL
BANGALORE BENCH : BANGALORE**

**APPLICATION NO. 311/1994 & 331
TO 333/1994**

DATED THIS THE EIGHTEENTH DAY OF AUGUST, 1994

Mr. Justice P.K. Shyamsunder, Vice Chairman

Mr. T.V. Ramanan, Member (A)

- 1. Mr. K.M. Kadalaiah
Son of Mucoliah
Aged about 24 years
Attender cum Messenger**
- 2. Mr. N. Mohan
Son of late M.S.N. Iyengar
Aged about 23 years.
Driver.**
- 3. Mr. D.M. Venkateshaiah
Son of Mudaliah
Aged about 24 years
Attender-cum-Messenger**
- 4. Mr. Srinivasaiah
Son of Girigowda
Aged about 23 years
Attender cum Messenger.**

... Applicants

All are working in the Office of the Executive Engineer, Civil Engineering Division III, Civil Construction Unit, Ministry of Environment & Forest, 18th Cross, Malleswaram, Bangalore-3.

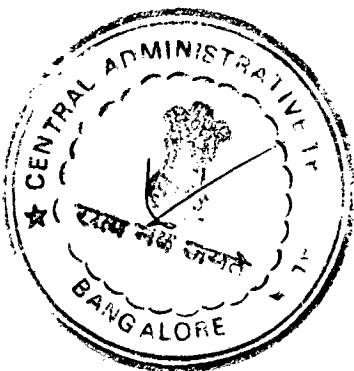
(By Shri D. Leelakrishnan, Advocate)

Vs.

- 1. The Executive Engineer
Civil Engineering Division III
Civil Construction Unit
Ministry of Environment & Forest
18th Cross, Malleswaram, Bangalore-3.**
- 2. The Executive Engineer
Civil Engineering Division - I
Civil Construction-I
Ministry of Environment & Forest
Paryavaran Bhavan, CGO Complex
Lodhi Road, New Delhi - 110 003.**

... Respondents

(By M.S. Padmarejaiah, S.C.G.S.C.)



O R D E R

(Mr. Justice P.K. Shyamsunder, Vice Chairman)

Heard. Admit.

2. We grant leave to prosecute this matter since it is a class grievance and is directed against an order of the Executive Engineer, Civil Engineering Division III, Civil Construction Unit, Ministry of Environment & Forests, Bangalore, (R-1) calling for candidates from the Employment Exchange for filling up 2 posts of peon (Group 'D' posts) in his establishment. The applicants seriously resist appointment to the said posts from out of those sponsored by the Employment Exchange on the ground that they had been working on such posts designated as Attendant-cum-Messenger/Driver although on a contract basis under which they virtually lived from day to day because in terms of the contract, their tenure lasted only for a period of 6 months at a time with artificial breaks in between. Respondent - 1 floated tenders and the appointments were made out of the tenders. Three applicants who successfully tendered were working as peons, (Attender-cum-Messenger) and one as Driver. They were paid an amount quoted as premium for the service rendered by them from Rs 550/- to Rs 1100/- per month. They were also eligible for some overtime wages, if they put in extra hours after duty time. It so transpired from the year 1989 till the present mode of recruitment through the Employment Exchange which was resorted to in September, 1993 vide Annexure-Q.

3. Of course, it is very heart rending to note that people who have been working like this for the last few years in this organisation should now be told to quit to make way for others. But then little can be done to assist them because we find from the correspondence produced both on behalf of the applicants and the department that the strength of the peons in Group 'D' category has been cut from 5 to 2. The resultant position is only 2 people can find work and not the others. What the department is proposing to do is to invite nominations from the Employment Exchange and we are told that the Employment Exchange has forwarded a list of candidates and the department will offer appointment only to those and not to the applicants who had been working for the last few years. We find from one of the letters addressed by the former Executive Engineer, Mr. Eswarayya, which is literally a testimonial exemplifying the good work done by all these applicants.

4. It seems appropriate for us to direct Respondent no.1 to consider the case of all these 4 applicants who are aspirants for the posts of peons along with those sponsored by the Employment Exchange. As far as possible, and all things being equal, we would direct Respondent no.1 to give preference to these applicants and ensure their continuance in the department. But, of course, if the candidates from the Employment Exchange were to outweigh the credentials of these applicants, that is a different matter. But as far as possible Respondent-1 will give weightage to the service rendered by the applicants and see

what can be done to fill up the 2 posts of peons keeping in view the reservation procedure.

5. With these observations, this application stands disposed of. No costs.

Sd-
(T.V. RAMANAN)
MEMBER(A)

Sd-
(P.K. SHYAMSUNDAR)
VICE CHAIRMAN



TRUE COPY

Sd-
Section Officer
Central Administrative Tribunal
Bangalore Bench
Bangalore