

(P)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

O.A. Nos. 208/89 & 209/89.

~~Exhibit Book~~

Dt. of Decision: 11.12.92

D. Viswanatham

Petitioner in OA 208/89.

K. Ranga Rao

Petitioner in OA 209/89.

Shri V. Venkateswara Rao

Advocate for
the Petitioner
(s)

Versus

The Chief Commissioner of Income-tax,
Ayakar Bhavan, Bawali, Hyderabad

Respondent. in both OAs.

Shri N.V. Ramana, Addl. CGSC

Advocate for
the Respondent
(s)

CORAM:

THE HON'BLE MR. R. Balasubramanian : Member (A)

THE HON'BLE MR. C. J. Roy : Member (J)

1. Whether Reporters of local papers may Yes.
be allowed to see the judgment?

2. To be referred to the Reporters or not? Yes.

3. Whether their Lordships wish to see
the Fair copy of the Judgment? *RCR*

4. Whether it needs to be circulated to
other Benches of the Tribunal?

5. Remarks of Vice-Chairman on Columns
1, 2, 4 (to be submitted to Hon'ble
Vice-Chairman where he is not on
the Bench.)

svl/

HRBS
M(A).

HCJR
M(J).

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.Nos.208/89 & 209/89.

Date of Judgement 11-12-'92

D.Viswanatham
K.Ranga Rao

... Applicant (in O.A.No.208/89)
... Applicant (in O.A.No.209/89)

Versus

The Chief Commissioner of
Income-tax, Ayakar Bhavan,
Basheerbagh, Hyderabad. ... Respondent (in both the O.As)

Counsel for the Applicants :: Shri V.Venkateswara Rao

Counsel for the Respondents:: Shri N.V.Ramana, Addl. CGSC

CORAM:

Hon'ble Shri R.Balasubramanian : Member(A)

Hon'ble Shri C.J.Roy : Member(J)

I Judgement as per Hon'ble Shri R.Balasubramanian, Member(A)]

O.A.No.208/89.

This O.A. is filed for a direction to the respondents to regularise the services of the applicant as Data Entry Operator and also for payment in the scale of Rs.1200-2040 till regularisation.

2. The applicant was appointed on a daily wage of Rs.50/- as Data Entry Operator vide orders dt. 13.8.87. He was assured that even though he was only a diploma holder, he would be appointed on a regular basis in due course as no graduate was coming forward to work in the department. In March, 1988 an advertisement 391/88 was issued calling for applications to the post of Data Entry Operators. His application was not considered as he was overaged. Later, on 29.9.88 his services were terminated. Aggrieved, he has filed this O.A.

3. The respondents oppose the O.A. and have filed a counter. The initial order under which his services were engaged contained clear terms, as claimed. Since he is not eligible for regular employment his case was not considered.

4. We have seen the case and heard both sides. The advertisement by the Commissioner of Income-tax dt. 2.8.87 was for the services of the Data Entry Operators on contract basis at Rs.50/- per day. It was only for 6 months. Vide orders dt. 13.8.87, the applicant was engaged for a period not beyond 31.3.88. It was also clearly stated therein that no right of appointment would accrue to him. We have also seen the advertisement dt. 23.7.88 of the Central Employment Exchange New Delhi calling for applications for posts of Data Entry Operators in the Directorate of Systems (Income-tax). The upper age limit was 30 years which the applicant does not fulfill.

5. The question is whether the applicant, simply by virtue of serving on daily wage basis for a little over a year, has a claim for a regular appointment even if he is overaged. The learned counsel for the applicant relies on the judgements A.I.R. 1987 SC 2342 and A.I.R. 1988 SC 817. We have seen the two judgements. They are for absorption of casual labour who have been working for long time ~~and appointment as~~ ~~Group-D~~ staff. In this case, there is no question of absorption as such. There is a recruitment rule and procedure according to which Data Entry Operators can be recruited and appointed. There is no provision for absorption of those employed on a contractual basis and that too for very short durations. The judgements cited are not applicable in this case. If the contention of the learned counsel for the applicant is accepted, all that is needed is for someone to be on a ~~contractual~~ basis for nearly a year and then get ~~straightaway~~ appointed as Data Entry Operator. As stated earlier, there being no provision in the recruitment rule ^{as} in the case of casual labour being converted into regular labour, the O.A. is liable to be dismissed and is accordingly dismissed with no order as to costs.

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O.A.No.209/89.

The case is similar to that of O.A.No.208/89 with the only difference that in this case the applicant is not stated to be overaged. The O.A. is filed for regularisation of his past one year casual service. He has not challenged the selection of Data Entry Operators by ~~the~~ selection through advertisement. Since we are dismissing the plea for regularisation in the other case, in this case too we dismiss the O.A. with no order as to costs.

R.Balasubramanian

(R.Balasubramanian)
Member (A).

Roy
(C.J.Roy)
Member (J).

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Dated: 11th December, 1992.

814/12/92
Deputy Registrar (J)

To

1. The Chief Commissioner of Income Tax,
Ayakar Bhavan, Basheerbagh, Hyderabad.
2. One copy to Mr.V.Venkateswar Rao, Advocate, CAT.Hyd.
3. One copy to Mr.N.V.Ramana, Addl.CGSC.CAT.Hyd.
4. One copy to Deputy Registrar (J)CAT.Hyd.
5. Copy to All Reporters as per standard list of CAT.Hyd.
6. One spare copy.

pvm.

*3rd copy
pvm*

*R.M.
11/12*
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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
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HYDERABAD BENCH

HYDERABAD

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

For Typing

THE HON'BLE MR.

V.C.

AND

THE HON'BLE MR.R.BALASUBRAMANIAN:M(A)

AND

THE HON'BLE MR.T.CHANDRASEKHAR REDDY:M(J)

AND

THE HON'BLE MR.C.J. ROY : MEMBER(JUDL)

Dated: 11 - 12 - 1992

~~ORDER~~ JUDGMENT:

R.A./ C.A./M.A. No.

in

O.A. No. 208/89 & 209/89

T.A. No.

(W.P. No.)

Admitted and Interim Directions issued.

Allowed

Disposed of with directions

Dismissed

Dismissed as withdrawn

Dismissed for default

M.A. Ordered/Rejected

No order as to costs.

pvm.

