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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.280 of 1989

DATE OF JUDGMENT: 7th SEPTEMBER, 1992

BETWEEN:

S/Shri

1. P.Malleshu
2. S.Krishna Rao
3. S.Chenchu Naidu
4. K.Anandha Rao
5. B.Dharma Rao
6. H.Mohana Rao

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Applicants

AND

1. The General Manager,
Telecommunications Department,
Hyderabad.
2. The Director,
Telecommunications Department,
Visakhapatnam.
3. The District Engineer,
Telecom.,
Srikakulam.

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Respondents

COUNSEL FOR THE APPLICANTS: Mr. C.Venkata Krishna

COUNSEL FOR THE RESPONDENTS: Mr. N.V.Ramana,

CORAM:

Hon'ble Shri R.Balasubramanian, Member (Admn.)

Hon'ble Shri C.J.Roy, Member (Judl.)

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JUDGMENT OF THE DIVISION BENCH DELIVERED BY THE HON'BLE
SHRI C.J.ROY, MEMBER (JUDICIAL)

This application was filed by the applicants herein, who are six in number, under Section 19 of the Administrative Tribunals Act, 1985. The relief prayed for by the applicants is to set-aside and quash the impugned Memo No.E-18/RE/CM/88-89/11, dated 28.2.1989 issued by the 3rd respondent and direct the respondents 1 to 3 to include the names of the applicants in the list of the selected candidates and publish a fresh list. The facts as narrated in the main application are briefly as follows:-

The applicants were engaged as Casual Mazdoors even before they attained the age of 18 years, in the respective Sub Divisions, as and when work was available. During the year 1988, the Department of Telecommunications, New Delhi had approved creation of 1509 posts in Group 'D' cadre in the pay scale of Rs.750-940 in A.P. Telecom. Circle for absorption of those eligible casual mazdoors who rendered seven years of service as on 31.3.1987. The respondents have drawn up a seniority list as on 31.3.1987 including the service rendered by the applicants prior to their attainment of age of 18 years. Out of 1509 posts created, Srikakulam Division was allotted 46 posts. The applicants submitted applications for regular absorption and the Selection Committee rejected the claim of the applicants

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as they did not render 7 years of service as on 31.3.1987. The service of the applicants was counted from the date of their completing 18 years of age. The applicants state that the impugned memo No.E-18/RE/CM/88-89/11, dated 28.2.89 rejecting the claim of the applicants is arbitrary, illegal and void. Hence, this application.

2. The respondents in their counter contended that the claim of the applicants was considered by the Selection Committee convened for this purpose and the same was rejected as the applicants did not render seven years of service as on 31.3.1987. The 'Boy service' rendered by the applicants prior to completing the age of 18 years was not taken for counting seven years of service as per the rules. The seniority list prepared by the Sub Division cannot be a yard-stick for regular absorption and it was drawn only to allot work on muster roll whenever there is work. Hence, the application is devoid of merits and liable to be dismissed.

3. This case was ordered to be listed on 28.8.1992 as there was no representation from the applicants' side on 10.8.1992. When the case was called on 28.8.1992 at 4.15 pm, there was no representation on behalf of the applicants. Hence, the Bench decided to hear the respondents side and heard Mr. N.V.Ramana, learned Standing Counsel for the respondents.

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To

1. The General Manager, Telecommunications Department, Hyderabad.
2. The Director, Telecommunications Department, Visakhapatnam.
3. The District Engineer, Telecom, Srikakulam.
4. One copy to Mr.C.venkatakrishna, Advocate, 7-1-571, Subhash Road, Secunderabad.
5. One copy to Mr.N.V.Ramana, Addl.CGSC.CAT.Hyd.
6. One copy to Deputy Registrar(J)CAT.Hyd.
7. Copy to All Reporters (7) as per standard list of CAT.Hyd.
8. One spare copy.

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4. The sole contention of the applicants is that the service rendered by them prior to their attaining the age of 18 should also be reckoned i.e., they should be deemed to be serving the department from a date prior to 1.4.80, to satisfy the stipulation in the order regarding regularisation. On 1.4.80 however none of them had attained the age of 18. The respondents contend that the service rendered prior to the age of 18, should count only for purposes of payment for casual work. The order on regularisation does not indicate any distinction between the service rendered prior to or after the age of 18. To be eligible, one should have 7 years of service as on 31.3.87 and should be between 18 years and 20 years of age as on 1.7.87. It is the service as such that should count and nothing else. It is unfair to deny part of the service extracted on the plea that it was rendered before the age of 18. The respondents have not shown us any rule that service prior to the age of 18 is to be ignored. We, therefore, direct the respondents to take into account, for the purpose of regularisation, the total service (emphasis added) regardless of the age at which such service was taken by them. If, on this reckoning, it is seen that persons junior to the applicants have already been regularised, then the applicants should be regularised against the next 6 vacancies that arise, in the proper order. Their seniority in the Group-D cadre will, however, have to be duly protected. No order as to costs.

R. Balasubramanian
(R. Balasubramanian)
Member(A).

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

Dated: 7th September, 1982.

8/9/82
Deputy Registrar (J).

Typing
23/9/92
TYPED BY (5)

COMPARED BY

CHECKED BY 2/5

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

THE HON'BLE MR.

AND

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

AND

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

AND

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

Dated: 7-9-1992

~~ORDER~~ / JUDGMENT

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

in

O.A.No.

280/89 ✓

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 orders as to costs.

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