

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:-HYDERABAD BENCH:-AT HYDERABAD.

D.A.No. 594 of 1989

I.L.No.

DATE OF DECISION: 28-2-1990

K.P.Laxman & another

Petitioner.

Shri M.Vijaya Prakash & Shri P.Subba Rao Advocate for the
petitioner(s)

Versus

2
Union of India & others

Respondent.

Shri E.Madan Mohan Rao, Addl.SC for CG Advocate for the
Respondent(s)

CORAM:

THE HON'BLE MR. B.N.JAYASIMHA, VICE-CHAIRMAN.

THE HON'BLE MR. J.NARASIMHA MURTHY, MEMBER(JUDICIAL).

1. Whether Reporters of local papers may be No allowed to see the Judgment ?
2. To be referred to the Reporter or not ? No
3. Whether their Lordships wish to see the No fair copy of the Judgment ?
4. Whether it needs to be circulated to No other Benches of the Tribunals ?
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)

B.N.J.

(B.N.J.)

J.N.M.

(J.N.M.)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT : HYDERABAD

O.A.No.594 of 1989

Date of Order: 28-2-1990

Between:

1.K.P.Laxman
2.Shaik Aziz

Applicants

and

- 1.Union of India represented by the Secretary, Ministry of Mines and Geology, Geological Survey of India, New Delhi.
- 2.Director-General, Geological Survey of India, Calcutta.
- 3.Regional Administrative Officer, Geological Survey of India, Southern Region, Hyderabad.

Respondents

APPEARANCE

For the Applicants : Shri P.Subba Rao, Advocate, appearing for M.Vijaya Prakash, Counsel for the Applicants.

For the Respondents : Shri E.Madan Mohan Rao, Additional Standing Counsel for Central Government cases.

CORAM

THE HONOURABLE SHRI B.N.JAYASIMHA, VICE-CHAIRMAN.

THE HONOURABLE SHRI J.NARASIMHA MURTHY, MEMBER(JUDICIAL).

(JUDGMENT OF THE BENCH DELIVERED BY HON'BLE SHRI B.N.JAYASIMHA, VICE-CHAIRMAN.)

1. The applicants herein are Casual Workers in the Geological Survey of India, Southern Region, A.P.Circle, Hyderabad. They have filed this application seeking regularisation of their services in terms of Office Memo No.49014/19/84-Estt(C), dated 26-10-1984 issued by the Deputy Secretary to Government of India, Ministry of Home Affairs, Department of Personnel & Administrative Reforms, New Delhi.

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WJ

2. The applicants state that they have been working continuously since 1979 when they were recruited as Contingent Workers in the 3rd respondent's office. Their names were sponsored by the Employment Exchange. The Government of India, Ministry of Home Affairs, Deptt. of Personnel and Administrative Reforms, New Delhi, issued instructions in their circular bearing No.49014/19/84-Estt.C, dated 26-10-1984 for implementation of the instructions relating to regularisation of services of Casual Workers in Group-D posts in the organisations observing 5-day week subject to certain conditions.

b6 Further in circular No.11922/A-12031/5/84/17.D, dated 20th September, 1988 and O.M.No.49014/2/86-Estt(C), dt.7th June 1988, further instructions were issued for regularisation of services of Casual Workers in Group-D posts and to pay their emoluments on par with regular employees. The applicants have been making repeated representations to the respondents, but no steps have been taken for regularisation of their services. The circulars of the Government of India categorically state that Casual Workers in Group-D posts, who have put in 206 days of service during each year, their services should be regularised if they are otherwise eligible and must be paid remuneration on par with regular employees. The applicants have completed more than 10 years of service and hence they filed this application seeking a direction for regularisation of their services.

3. We have heard the learned Counsel for the Applicant Shri P.Subba Rao for Shri M.Vijaya Prakash, and Shri E.Madan Mohan Rao, learned Addl.Central Govt.Standing Counsel, for the respondents.

4. The facts disclose that the applicants have been continuously in service since 1979. The 1st respondent in

To

1. The Secretary (Union of India), Ministry of Mines and Geology, Geological Survey of India, New Delhi.
2. Director-General, Geological Survey of India, Calcutta.
3. Regional Administrative Officer, Geological Survey of India, Southern Region, Hyderabad.
4. One copy to Mr. M. Vijaya Prakash, Advocate, 1-8-423, Chikkadpally, Hyderabad.
5. One copy to Mr. E. Madan Mohan Rao, Addl. CGSC, CAT, Hyderabad.
6. One spare copy.

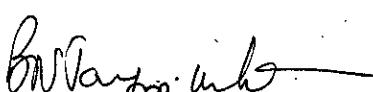
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their Office Memo dated 26-10-1984 stated that the services of all Casual Workers may be regularised in the Group-D posts provided they put in two years of service as Casual Workers with 206 days of service during each year. It is also stated that the number of days (206) should be worked out as in Central Government offices. On being brought to the notice of the Department that there are certain organisations, which have adopted a five-day week, it was clarified that in the organisations observing five-day week, casual workers may be considered for regular appointment to Group 'D' posts, if they are otherwise eligible, if they have put in two years of service as casual workers with 206 days of service during each year (as against the usual 240 days). Thus, the applicants are entitled for regularisation of their services in terms of this Office Memo. Shri E.Madan Mohan Rao, learned Standing Counsel, states that the contingent workers are not entitled to regularisation. In the light of the instructions issued by the Department of Personnel referred to above, we find no merit in this plea.

5. In the circumstances, we direct the respondents to regularise the services of the applicants within two months from the date of receipt of this order, in terms of the instructions contained in Government of India, Ministry of Home Affairs, Department of Personnel & Administrative Reforms, New Delhi, O.M.No.49014/19/84-Estt.(C), dt.26-10-1984. With this direction, the application is disposed of. No order as to costs.

(Dictated in the Open Court)


(B.N.JAYASIMHA)
VICE-CHAIRMAN


(J.NARASIMHA MURTHY)
MEMBER (JUDICIAL)

Date: 28-2-1990


DEPUTY REGISTRAR (J).
2/3/90