

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

D.A.No. 623/89

DATE OF DECISION:- 9.7.90 - -

T.A.No.

Between:-

----- S. Pochamma ----- Petitioner(s)

----- D. Linga Rao ----- -Advocate for the  
petitioner(s)

Versus

----- The Director ATI, Vidyanagar, Hyd., ----- Respondent.

----- Mr. Naram Bhaskara Rao, Addl. SCCG ----- Advocate for the  
Respondent(s)

CORAM:

THE HON'BLE MR. B.N. JAYASIMHA, VC

THE HON'BLE MR. D. SURYA RAO, MEMBER(J)

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

*BNI*  
(HBNJ)

*H*  
(HDSR)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD  
BENCH AT : HYDERABAD

O.A. No. 623/1989

Date of Order: 9.7.1990

BETWEEN

S. Pochamma

.. Applicant

Versus

1. The Director,  
Advanced Training Institute,  
Vidyanagar,  
Hyderabad -7.

.. Respondents

2. Mr. B. Anjaiah, and 4 others.

APPEARANCE

For the Applicant : Mr. D. Linga Rao, Advocate

For the Respondents: Mr. N. Bhaskara Rao, Addl.  
Standing Counsel for the respondents

Mr. D. Govardhanachari for Respondent 2

CORAM

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

THE HON'BLE MR. D. SURYA RAO, MEMBER (JUDICIAL)

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(Judgement of the Bench delivered by Hon'ble Mr.  
D. Surya Rao, Member (Judicial))

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The applicant herein is aggrieved by the  
Office Order No.A/32106/2/83/Estt.1/608 dt.4.8.'89  
issued by the Director of Advanced Training Institute,  
Vidyanagar, Hyderabad, terminating her services on  
the ground of want of vacancy. It is stated that  
the said order reads that consequent on Sri B. Yada-  
giri Reddy, Driver on ad-hoc basis is not having requi-

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site essential qualifications of 5 years driving experience, he is reverted to the post of Chowkidar. Consequent on reversion of Sri B.Y. Reddy as Chowkidar, Sri Jai Hind ad hoc Chowkidar is transferred to work as Safaiwala on ad hoc basis. This resulted in immediate termination of the applicant from her services as Safaiwala. This order is being questioned. The applicant's case is that she was originally appointed as casual labourer in June, 83 and worked intermitantly till she was promoted as Safaiwala on ad hoc bases w.e.f. 1.1.87. Thereafter she was placed on probation for a period of two years. Her services were however terminated after issue of one month notice. She was reappointed again as unskilled labour(whole time) for 3 months from 1.4.'88 to 30.6.'88. Subsequently she was appointed as Peon from 29.8.'88 and her services had been extended upto 30.11.'88. This was followed by her appointment as Safaiwala by an order dt.7.2.89. It is contended that there is no necessity to terminate her services since Mr. Yadagiri Reddy had questioned his orders of termination and is continuing as Driver. Consequently the reversion of Mr. Jai Hind to Safaiwala had not been given effect to. The applicant's contention is that having worked on an ad hoc basis, she is entitled for regularisation. The termination of her services are therefore questioned.

2. On behalf of the respondents a counter has been filed.

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3. We have heard Shri D. Linga Rao, learned counsel for the applicant and Shri N. Bhaskara Rao, Addl. Standing Counsel for the respondents. Shri N. Bhaskara Rao, ~~on behalf of the respondents~~ on the basis of record contends that the termination order dt. 30.9.87 of the application earlier in a Gr. 'D' post was in compliance of Sub-Rule -1 of Rule 5 of CCS (Temp. Service) Rules, 1965, since some of the Gr. 'D' posts were abolished. Thereafter she was a surplus employee and being employed as casual labour from time to time. Consequent on reversion of Mr. Yadagiri Reddy, Driver., her services were terminated only for want of vacancy of the post. It is contended that the case of Mr. B. Yadagiri Reddy has since been disposed off by <sup>a</sup> separate order and therefore the applicant has no right to continue in the vacancy.

4. The respondent No.2 Mr. B. Anjaiah, impleaded as respondent ~~claiming~~ <sup>that</sup> that he is senior to Smt. S. Pochamma, the applicant herein in a group 'D' (IV) post. He is represented by Sri B. Govardhanachari, Advocate, who contends that the Respondent No.2 is senior to the applicant and in the event of any vacancy being filled, he should be preferred to the applicant. Shri Linga Rao, on the other hand contends that the applicant by virtue of her appointment in 1983 as a casual labour is senior to the respondent No.2 here appointed only in 1986. The respondent No.2 had filed a D.A. No.879/89 in which he has made a

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reference to a seniority list drawn by the respondents in which the applicant is shown as senior with date of 3.1.86 and whereas the applicant was shown as 1.1.'87. The seniority is a matter to be determined by the department with reference to their appointments in the organisation. Therefore, we direct the respondents to fill the post of Class IV (Group 'D') in accordance with the reservation policy and the seniority of Gr.'D' employees and <sup>to fill</sup> in regard to the casual labour vacancy <sup>to fill</sup> it in accordance with the seniority of casual labour. With the above direction this original application is disposed off. No order as to costs.

*B.N. Jayasimha*  
(B.N. JAYASIMHA)  
VICE CHAIRMAN

*D. Surya Rao*  
(D. SURYA RAO)  
MEMBER (JUDICIAL)

Dictated in the open court

Dt. 9th July, 1990

*S. S. S. S. S.*  
for Deputy Registrar (Judl)

To

1. The Director, Advanced Training Institute, vidyanagar, Hyd
2. Mr. D. Goverdhanachary, Advocate, for R.2  
1-1-80/20, RTC 'X' Roads, Hyderabad-20
3. One copy to Mr. D. Linga Rao, Advocate.  
1-1-258/10/C, Chikkadapally, Hyderabad.
4. One copy to Mr. N. Bhaskara Rao, Addl. CGSC. CAT. Hyd. Bench.
5. One spare copy.
6. The Superintendent, Vocational Rehabilitation Centre,  
for handicapped AT I campus, Vidyanagar, Hyderabad
7. The Director, AT I / EPI, Ramanthapur, Hyderabad.
8. The Director General CGE&T, Ministry of Labour, New Delhi
9. The Chairman and Regional Director, R D A T, Ramanthapur, Hyderabad