

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

O.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, Vidyavagar, Hyd., Respondent.

Mr. Naram Bhaskara Rao, Addl. SCAG 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 ^{NO} allowed to see the Judgment ?
2. To be referred to the Reporter or not ? ^{NO}
3. Whether their Lordships wish to see the fair copy of the ^{NO} 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)

BNV
(HBNJ)

R
(HDSR)

(27)

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. Gouvarachari 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))

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 intermittently 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 ^a 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 ^a 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 appoint in 1983 as a casual labour is senior to the respondent No.2 here appointed only in 1986. The respondent No.2 had a filed a O.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 ~~in regard to~~ ^{to fill} the casual
 labour vacancy ~~to fill~~ 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.Jayashimha
 (B.N. JAYASIMHA)
 VICE CHAIRMAN

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

Dictated in the open court
 Dt. 9th July, 1990

Supernumerary copy
 for Deputy Registrar (Judl)

To

1. The Director, Advanced Training Institute, vidyanagar, Hyd.
2. Mr. D.Govindhanachary, Advocate, for R.2
^{M.V.S.}
 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 / E&I, Ramnathpura, Hyderabad
^{p.v.m}
8. The Director General D.G.E.S.T, Ministry of Labour, New Delhi
9. The chairman and Regional Director, P.D.A.T., Ramnathpura, Hyderabad