

ANNEXURE-I

Form of Index

List of papers in ORIGINAL APPLICATION 879/89

Sl.No. of papers.	Date of paper or Date of filing	Description of papers
		<u>PART-I</u>
	9-7-90	Original Judgement
	3-11-89	Original application and Material papers
	19-2-90	Counter
	—	Reply counter
		<u>PART-II</u>
	3-11-89	Copy of O.A.
	3-11-89	Copies of material papers.
	19-2-90	Copy of counter
	—	Copy of Reply counter.
	9-7-90	Copy of Judgement.
		<u>PART-III</u>
	3-11-89	Vakalatnama
	11-12-89	Memo
	14-2-90	Notice.
	17-11-89	

Part-II and Part-III Destroyed.

9/5/94

O.A. No.879/89

Judgement dictated in the open court on 9.7.90
in the above ~~is~~ O.A., is submitted for perusal.

(HBNJ)

Circular
to W.H.V.C
R
(HDSR)



(23)

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

D.A.No. 897/89

DATE OF DECISION:- 9.7.1990

T.A.No.

Between:-

----- B. Anjaiah ----- Petitioner(s)
----- Mr. D. Govardhanachary, ----- Advocate for the
----- ----- petitioner(s)

Versus

----- Director ATI-EPI, Vidyanagar, Hyd., -----
----- and others ----- Respondent.
----- Mr. E. Madan Mohan Rao, Addl. CGSC ----- 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 ?
 2. To be referred to the Reporter or not ?
 3. Whether their Lordships wish to see the fair copy of the Judgment ?
 4. Whether it needs to be circulated to 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)
- 20

BNS
(HBNJ)

HDSR
(HDSR)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD
BENCH AT : HYDERABAD

O.A. No.879/89

Date of Order: 9.7.1990

BETWEEN

B. Anjaiah,
Peon (Retrenched),
O/o Director,
Advanced Training Institute
for Electronics & Process
Instrumentation, Ramanthapur,
Hyderabad.

.. Applicant

Versus

1. Director, Advance Training
Institute for Electronics &
Process Instrumentation,
Vidyanagar, Hyderabad.

2. Director, Advanced Training
Institute for E & P.I.,
Ramanthapur, Hyderabad.

3. Chairman,/Regional Director,
ATI-EPI Campus, Ramanthapur,
Hyderabad - 13.

4. Director General, Directorate
General of Employment & Training,
Shram Shakthi Bhavan, Rafimarg,
New Delhi.

5. S. Pochamma, W/o Sathaiah,
ATI, Vidyanagar, Hyderabad

.. Respondents

APPEARANCE

FOR THE APPLICANT

: Mr. D. Govardhanachary, Advocate

FOR THE RESPONDENTS

: Mr. E. Madanmohan Rao, Addl.

Standing Counsel for the Respondent

CORAM

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

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

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

R

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The applicant herein states that he was appointed as Ward Boy in the Respondents organisation as against reserved quota of Scheduled Tribe w.e.f. 3.1.'86 and he continued till 31.10.87, when his services were terminated, consequent to his post becoming surplus. He was thereafter taken back as Peon from 4.11.87 after a gap of 3 days and continued. Subsequently by the impugned order dt.31.7.89, his services were terminated retrospectively w.e.f. 28.7.89. The applicant states that a seniority list of Class IV employees (Gr.'D) was drawn in which the applicant was shown at S.No.66 whereas the respondent No.5 is shown at S.No.69. The applicant is ^{therefore} senior to respondent No.5 in the seniority list of class IV. He was appointed against the reserved category of S.T whereas the respondent No.5 was appointed ^{against an} ~~under the~~ open category vacancy. While terminating the services of the applicant by the impugned order the respondents did not choose to terminate the services of Respondent No.5 ^{who is} according to the applicant ~~she~~ was working as Safaiwala. Subsequently when the services of Respondent No.5 ^{are} ~~were~~ terminated, she moved the Tribunal and in O.A.No.623/89 she was allowed to continue by ^{virtue of} ~~the~~ interim orders. Taking advantage ^{of} these orders respondent No.5 was given regular scale attached to that post of Safaiwal on ad hoc basis. The applicant contends consequently after the termination of the applicant one Nagaratnamma and respondent No.5, and also one Sri G.Krishna, one post of Daftary fell vacant which was filled in by way of promotion from the post of peon. ^{vacancy in the post of} Consequently ~~peon post~~ was filled in which ~~fell vacant~~ by way of transfer of ^a Safaiwala. The applicant states that he being senior should have been considered for appointment in the Safaiwala vacancy. The respondents

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(Contd....)

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however, chose~~x~~ to accommodate the respondent No.5 which is against the rules. The applicant contends that the three offices viz., (1) The Director, ATI, EPI, Vidyanagar, Hyderabad, (2) The Director, ATI, EPI, Ramanthapur, Hyderabad and (3) Chairman/Regional Director, ATI-EPI, Ramanthapur, Hyderabad ^{into a} are formed one single unit for the purpose of appointment of Class IV(D) posts. A common seniority is maintained for all the three units as a single unit and it is incumbent on the respondents to ^{to any of these units} fill up the vacancies in accordance with these ^{common} seniority lists. For these reasons the applicant has filed this application seeking relief to call for the records relating to office order No.A/32022/2/87-Est./283 dt.31.7.89 and to quash the same.

2. On behalf of the respondents a counter has been filed admitting that the applicant had been appointed as Peon w.e.f. 4.11.87 and reappointed on ad hoc basis from 1.5.89. It is stated that this appointment was on ad hoc basis and the services were terminated as no post of peon was existing in the Institute beyond 28.7.1989. It is contended that all those who ^{were} rendered as surplus have been served one month's notice as required as per CCS (Temporary Service) Sub-rule 1 of rule-5 and therefore they cease to hold any seniority in the Hyderabad Unit. So far as the reservation is concerned while terminating ^{of the employees} the services, the full representation has been kept alive so far as the reserved quota of SC & St are concerned. It is contended that Smt. Pochamma has been working right from 1984 as Casual Labour, and whereas ^{the applicant} Shri Anjaiah, who was directly recruited in 1986, has no claim of seniority over Smt. Pochamma. The continuance of Smt. Pochamma as Safaiwala

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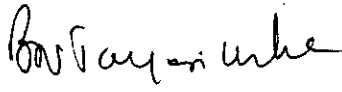
was pursuant^e to orders of the Tribunal in O.A. No.623/89 filed by her. It is further contended that Smt.Pochamma being^a senior casual labour working from 1984 has been validly continued on ad hoc basis since there is no regular vacancy available for any appointment in the Gr.'D' cadre. For these reasons it is stated that the applicant has not made out any case and the application is liable to be dismissed.


3. We have heard Shri D. Govardhanachari, learned counsel for the applicant and Shri E. Madan Mohan Rao, Addl. Standing Counsel for the respondents. The main contention of Sri Govardhanachary is that the applicant was recruited against S.T quota to a Gr.'D' post. He was rendered surplus due to the abolition and his services were terminated due^{to} the post becoming surplus. The contention is that the applicant being an S.T., should be appointed in a Gr.'D' post whether it is a Safaiwala or Peon. The question of considering the seniority vis-a-vis the casual labour would not arise since he was not appointed as casual labour but direct to a Gr.'D' post. The applicant is not seeking any claim to a casual labour post. It is further contended that the seniority list referred to by the applicant is not material since that relates to Gr.'D' posts and not the seniority in the casual labour post. For appointment to a post to be filled by casual labour, the respondent No.5 would have preference. On a consideration of the facts mentioned above the respondents are directed to fill the post of Class IV (Group 'D') in accordance with the reservation policy and the seniority

(Contd.....)

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of Group 'D' employees and in regard to ^a Casual Labour
vacancy to fill it in accordance with the seniority
of casual labour. With the above directions this
is
application/disposed off. No order as to costs.


(B.N. JAYASIMHA)
VICE CHAIRMAN


(D. SURYA RAO)
MEMBER (JUDICIAL)

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

Mvs


DEPUTY REGISTRAR (JUDL)

To

1. The Director, Advance Training Institute for Electronics and process Instrumentation, vidyanagar, Hyderabad.
2. The Director, Advanced Training Institute for E & P.I. Ramanthapur, Hyderabad.
3. The Chairman/Regional Director, ATI-EPI Campus, Ramanthapur, Hyderabad - 13.
4. The Director General, Directorate General of Employment & Training, Shram Shakthi Bhavan, Rafimarg, New Delhi.
5. One copy to Mr.D.Lingarao, Advocate for R.5,1-1-258/10/C, Chikkadapally, Hyd.
6. One copy to Mr.D.Goverdhanachary, Advocate 1-1-80/20, RTC 'X' Roads Hyderabad.
7. One copy to Mr.E.Madanmohan Rao, Addl.CGSC, CAT.Hyd-Bench.
8. One spare copy.

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APPROVED

TYPED BY

COMPARED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. B. N. JAYASIMHA: V.C.

AND

THE HON'BLE MR. D. SURYA RAO: MEMBER (JUDL.)

AND

THE HON'BLE MR. J. NARASIMAHAMURTHY: M(J)

AND

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

DATE: 9/7/90

~~ORDER~~ / JUDGMENT

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

in

T.A.No.

W.P.No.

O.A.No. 879/89

Admitted and Interim directions Issued.

Allowed.

Dismissed for default.

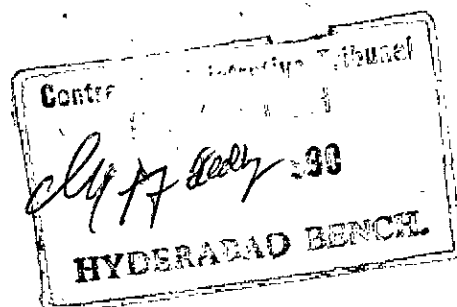
Dismissed as withdrawn.

Dismissed.

Disposed of with direction.

M.A.ordered/Rejected.

No order as to costs.



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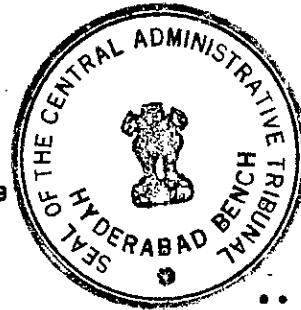
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APPEARANCE

FOR THE APPLICANT

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FOR THE RESPONDENTS

: Mr. E. Madanmohan Rao, Addl.
Standing Counsel for the Respondents

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

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

of Group 'D' employees and in regard to^a Casual Labour
vacancy to fill it in accordance with the seniority
of casual labour. With the above directions this
is
application/disposed off. No order as to costs.

CERTIFIED TO BE TRUE COPY

Date.....

Court Officer
Central Administrative Tribunal
Hyderabad Bench
Hyderabad.

To

1. The Director, Advance Training Institute for Electronics and process Instrumentation, vidyanagar, Hyderabad.
2. The Director, Advanced Training Institute for E & P.I. Ramanthapur, Hyderabad.
3. The Chairman/Regional Director, ATI-EPI Campus, Ramanthapur, Hyderabad - 13.
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