

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No.246/90 with
O.A.No.289/91.

Date of order : 11.2.1997.

Between

1. K.Samson
2. C.Ranga Chary
3. D.V.D.S.Prasad
4. V.V.Suresh

.. Applicants in O.A.No.246/90

1. L.Sudish Mitra
2. Shaik Hussain Ahmed
Quraishi

.. Applicants in O.A.No.289/91

And

1. Union of India,
Reptd. by its Secy.,
to Government,
Min. of Home Affairs,
Director of Census Operations,
New Delhi.
2. The Registrar General of India,
& Census Commissioner,
New Delhi.
3. The Director of Census Operations,
Govt. of India,
Min. of Home Affairs,
Andhra Pradesh,
Hyderabad-500482.
4. B.Kusuma Kumari
5. M.Ram Prasad
6. K.Vijayalakshamma
7. S.John Benny
8. Arifa Sultana
9. J.Madhubala
10. S.P.B.M.R.Krishnamachary
11. B.Sailakshmi Kumari
12. N.S.K.Sarma
13. A.R.Vidyasri
14. K.Venkataiah
15. R.Jagdish Rao
16. Abdul Hamid Baig

.. Respondents in both the O.As

Counsel for the Applicants
in both the O.As

.. Shri N.Rama Mohan Rao

Counsel for the Respondents
1 to 3 in both the O.As

.. Shri V.Rajeswara Rao, Addl. CGSC

Counsel for the Respondents
4 to 16 in both the O.As

.. Shri Y.Suryanarayana

C O R A M

Hon'ble Shri Justice M.G.Chaudhari : Vice-Chairman

Hon'ble Shri H.Rajendra Prasad : Member(A)

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Judgement

(Per Hon'ble Shri Justice M.G. Chaudhari : Vice-Chairman)

Both these applications involve common questions which are the same as are involved in companion O.A.No.108/90 disposed of by separate order hence these are being disposed of by a common judgement and order.

2. O.A.No.246/90 has been filed by four applicants who were appointed as Computers on temporary and adhoc basis on different dates in the year 1983. They seek regularisation from the date of initial appointment.

3. The respondents resist the application.

4. The O.A. was earlier allowed and relief as prayed was granted by order dated 4.12.90. The said order has been set aside on review at the instance of the private respondents and the O.A. has been re-heard alongwith O.A.No.108/90 which has also been re-heard.

5. (a) The claim of the two applicants in O.A.No.289/91 is also similar as above but the O.A. is based upon the action of the official respondents in regularising the 17 applicants in O.A.No.108/90 and the four applicants in O.A.No.246/90 from the dates of their initial appointment by order dated 6.3.91 issued by the official respondents in Proc.No.C.18013/1/90-Estt. consequent upon earlier decision in the said O.As but not regularising the applicants on the ground that they had not obtained similar orders. The O.A. was resisted by the official respondents but earlier it was allowed and relief as prayed was granted following the decision in O.A.No.108/90 by judgement and order dated 8.8.1991. The said order was set aside on review at the instance of the private respondents and the O.A. has been re-heard alongwith the other two O.As.

(b) The two applicants were appointed as Computers on temporary and adhoc basis on 1.3.1983. They seek regularisation from that date.

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(c) It however appears from the counter that was filed on 19.6.1991 by the official respondents that in pursuance of the instructions of the Registrar General further instructions were issued by the 2nd respondent on 12.3.91 to regularise the adhoc appointees after observing the guidelines prescribed by the Registrar General and that the applicants herein have been appointed as Computers on regular basis in a temporary capacity by order dated 26.3.91 with effect from that date. That narrows down the controversy to the point as to whether the regularisation should be directed from 1.3.1983 instead of 26.3.1991. Earlier the Division Bench was pleased to grant the relief of regularisation from the initial date i.e., 1.3.1983 even after noticing the circumstance that the applicants were regularised from 26.3.1991. The Bench was persuaded to so order in view of reasons given in the orders in O.A.No.108/90 and O.A.No.246/90 and as the position of the present applicants was found similar in all respects to that of the applicants in these cases. We are also of the view that the applicants should be similarly treated as applicants in the companion cases as they are similarly placed.

6. In both these cases the learned counsel for the respective parties have adopted the arguments urged by them in O.A. No.108/90. The questions that arise in these applications are similar as in that O.A. with the difference that whereas in O.A.No.108/90 the date of regularisation has to be brought forward but in O.A.No.289/90 it has to be related to an earlier date. We have examined all the aspects in the judgement separately passed today in O.A.No.108/90 and for the same reasons are inclined to grant relief to the present applicants consistently with the relief granted in that O.A.

7. Hence following order:

Order in O.A.No.246/90.

1. It is declared that the applicants are entitled to be regularised in the post of 'Computer' with effect from 18.12.1986.

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2. The respondents 1 to 3 are hereby directed to regularise the service of the applicants accordingly and confer on them all the consequential benefits including seniority to which they may be found eligible under the applicable rules on the basis of regularisation with effect from 18.12.1986.
3. Consistently with above directions the respondents 1 to 3 are further directed to revise the order of regularisation of the applicants vide Proc.No.C.18013/1/90-Estt. dated 6.3.1991 and the order relating to seniority vide Proc.No.A.23011/291-Estt. dated 14.2.92 (provisional) in terms of the directions in clauses 1 and 2 above.
8. The O.A. is partly allowed in above terms. The interim directions as may be operating are vacated - consistently with this order. No order as to costs.

Order in O.A.No.289/91.

1. It is declared that the two applicants are entitled to be regularised in the past of 'Computer' with effect from 18.12.1986.
2. The respondents 1 to 3 are hereby directed to regularise the service of the applicants accordingly and confer on them all the consequential benefits including seniority to which they may be found eligible under the applicable rules on the basis of regularisation granted with effect from 18.12.1986.
3. Consistently with the above directions the respondents 1 to 3 are further directed to revise the office order of regularisation of the applicants bearing No.A.12019/1/9-Estt. dated 26.3.1991 in terms of the directions in clauses 1 and 2 above.


The O.A. is partly allowed in above terms. The interim directions as may be operating are vacated consistently with this order. This order is confined to the applicants in these two O.As. No order as to costs.

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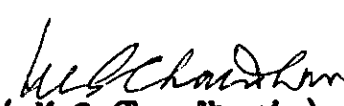
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Both the O.As shall be treated as separately disposed of.
Copy of this order to be kept in each O.A.

Copy of order in O.A.No.108/90 to be placed separately
on record of each of these two O.As.


(H. Rajendra Prasad)
Member (A).

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(M.G. Chaudhari)
Vice-Chairman.

Dated: .2.1997.


By. Registrar (Jus)

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