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

O.A.No.595/90.

Date of Judgment:1-8-90.

Smt.S.Pochamma

...Applicant

Vs.

1. The Director, Advance Training
Institute, Vidyanagar, Hyderabad.

...Respondent

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Counsel for the Applicant : Shri D.Linga Rao, Advocate

Counsel for the Respondent : Shri E.Madan Mohan Rao,
Addl.CGSC

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CORAM:

HON'BLE SHRI B.N.JAYASIMHA : VICE-CHAIRMAN

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

(Judgment of the Division Bench delivered by
Hon'ble Shri D.Surya Rao, Member (J)).

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The applicant herein who was working as a Safaiwala had earlier been a party respondent in O.A.No.879/89. That case was between one Shri B.Anjaiah, who had been working as Medical Ward Boy and the applicant herein, who was working as Safaiwala in the respondents organisation. Both posts were stated to be in the Group 'D' posts and the applicant was shown junior to Shri Anjaiah in the Group 'D' category. After hearing the application, this Tribunal passed the following order in OA 879/89 :-

"The contention is that the applicant being an S.T. should be appointed in a Gr.'D' post whether it is a Safaiwala or

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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 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 application is disposed-off."

Consequent to these orders, the services of the applicant was terminated by an order of the respondents dt.20-7-90 which is enclosed as Annexure-I and reads as follows:-

"In pursuance of direction given while disposing of the OA No.879/89 dt.9-7-90 by the Hon'ble Central Administrative Tribunal, Andhra Pradesh, Hyderabad, the service of Smt.Pochamma, Adhoc Safaiwala is terminated with immediate effect."

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It is this order which is sought to be questioned in the present application.

2. We have heard Shri D.Linga Rao, learned counsel for the applicant and Shri E.Madan Mohan Rao, Additional Standing Counsel for the Central Government, who has taken notice at the time of admission at our instance.

Shri Linga Rao contends that the order of this Tribunal in O.A.879/89 had ^{never} ~~never~~ directed ousting of the applicant from the post of Safaiwala and hence the impugned order dt.20-7-90 is illegal. Shri Madan Mohan contends that the order dt.9-7-90 makes it clear that group 'D' vacancies should be filled up in accordance with the seniority of Group 'D' employees, that the post of Safailwala is a Group 'D' post and hence ouster of the applicant if her seniors are out of employment is in order. We have considered our earlier order dt.9-7-90 in O.A.879/89, the present impugned order dt.20-7-90 and the rival submissions made. It is clear that this Tribunal has not in its order dt.9-7-90 specifically directed the respondents to terminate the applicant's services as adhoc Safaiwala. All that we had ordered was that the appointments to Group 'D' posts should be filled-up in accordance with the seniority of Group 'D' employees. It was also noted that the applicant is a Casual Labour but

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later appointed as Safaiwala which is a Group 'D' post.

If a senior to the applicant in Group 'D' is appointed as Safaiwala, she cannot have any grievance. ^{However if} if the post of Safaiwala is kept vacant or if any junior to her in the Group 'D' post or a Junior Casual Labourer is appointed as Safaiwala that would not be in order. We accordingly direct the respondent that the applicant should be continued as Safaiwala if her junior in the Group 'D' category or a Junior Casual Labourer has been appointed as Safaiwala. With these directions, the application is disposed-of without costs.

B.N. Jayasimha
(B.N. JAYASIMHA)
Vice-Chairman

D. Surya Rao
(D. SURYA RAO)
Member (J)

Dated : 1st August, 1990.
Dictated in Open Court.

[Signature]
DEPUTY REGISTRAR (JUDL)

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To

1. The Director, Advance Training Institute, Vidyanagar, Hyderabad.
2. One copy to Mr. D. Linga Rao, Advocate
1-1-258/10/C, Opp. Bata Shoe Company, Chikkadapally, Hyd.
3. One copy to Mr. E. Madanmohan Rao, Addl. CGSC. CAT. Hyd. Bench, Hyderabad.
4. One spare copy.

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[Handwritten signature]
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APPROVED BY

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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 (J) ✓

AND

THE HON'BLE MR. J. NARASIMHA MURTY : M(J)

AND

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

DATE: 1/8/90 ✓

ORDER/JUDGMENT:

M.A./ R.A/C?A/No. in ✓

T.A.No.

W.P.No.

O.A.No. 595/90 ✓

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.

