

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT : HYDERABAD

R.P.No. 52 of 1990
in
O.A.No. 9 of 1990

Date of Order: 20-7-90

Between:

N.S.Ranganath ..
and
1.H.J.K.Murthy ..
2.Union of India by its Secretary,
Ministry of Finance, Department
of Economic Affairs, New Delhi.
3.General Manager, GOI Security
Printing Press, Hyderabad.
..

^{in R.A}
Petitioner/Respondent No.3
^{in O.A. 3/90}
^{in R.A}
Respondent/Applicant in O.A. 9/90
Respondent / Respondent No. 1 in O.A.
Respondents/Respondent No. 2
^{in O.A.}

Appearance:

For the Petitioner : Shri C.Suryanarayana, Advocate.
For the 1st Respondent : Shri N.Rama Mohana Rao, Advocate.
For the 2nd & 3rd Respondents: Shri E.Madan Mohan Rao, Addl.CGSC

CORAM:

THE HONOURABLE SHRI B.N.JAYASIMHA, VICE-CHAIRMAN.
THE HONOURABLE SHRI J.NARASIMHA MURTHY, MEMBER(J).

(JUDGEMENT OF THE BENCH DELIVERED BY HON'BLE SHRI B.N.JAYASIMHA,
VICE-CHAIRMAN.)

- for
1. This Petition is/a review of our order dated 11-6-1990 in O.A.No.9 of 1990 filed by the Respondent No.3 in that O.A.
 2. The Petitioner contends that the order needs review for the following reasons:-

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i) Having observed that Respondent No.2 had no knowledge as to what view Respondent No.1 had taken on several points raised in the O.A. and that there was no categorical statement of the circumstances in which the services of Respondent No.3 were regularised w.e.f. 9-8-1983, the Tribunal ought to have directed Respondent No.1 to file a counter and produce the records. Likewise injustice has resulted to the Review Petitioner (Respondent No.3 in the O.A.) by Respondent No.1 by not producing the files relating to 1983 treatment of the Petitioner as holder of regular post of Accountant and the files of 1988-89 relating to the selection of the Petitioner to the post of Administrative Officer.

ii) During the course of the arguments, the Petitioner had submitted that the Hon'ble High Court of A.P. in its Order dated 2-2-1984 in W.P.602 of 1983 had declared that it is difficult to accept the contention of the Petitioners that they were ~~not~~ absorbed permanently in the Security Printing Press. The Petitioners in the W.P. were some employees of the I.G.Mint, who were on deputation to the Security Printing Press. Further the Industrial Tribunal by its order dated 29-12-1985 had held that the Management of I.G.Mint and the Security Printing Press were perfectly justified in refusing to transfer 18 workmen from the Security Printing Press to I.G.Mint. Thus there is no possibility of repatriation. This point was not appreciated by this Tribunal.

iii) This Tribunal also failed to appreciate the fact that the Review Petitioner was entitled to regularisation of his services in the I.G.Mint in the post or grade from which he was sent on deputation even while on deputation. He was fitted into equivalent grade in the Security Printing Press and he cannot be denied the benefit of absorption in such a

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post while holding an equivalent post in the I.G.Mint. For this reason there was no need for his further regularisation in the Security Printing Press.

iv) In view of the orders of regularisation dated 3-11-1989, the Petitioner was appointed as Administrative Officer which is a selection post. This Tribunal ought to have held that the applicant has no case and dismissed the same.

3. We have heard the learned Counsel for the Review Petitioner, Shri C.Suryanarayana, and Shri E.Madan M-ohan Rao, learned Additional Central Govt. Standing Counsel for Respondents 2 & 3 and Shri N.Ramamohan Rao, learned Counsel for Respondent No.1/ applicant.

4. The first ground is that we should have called for the records. The material papers filed by the applicant clearly show that the Respondent No.1 had not agreed to the proposal made by the Respondent No.2. The statement at para-21 speaks for itself. The review petition^{or} was in fact reverted as Accountant^{on} 28-10-1980 ~~for~~ from the post of Administrative Officer. In the face of these facts, we saw no reason to call for the file of Respondent No.1.

5. The second ground is that all the deputationists were regular employees and could^{not}_^ be repatriated. We do not see how this point calls for a revision of our order. The main reason we gave was that the employees could not be discriminated in the matter of regularisation of their services. Either all should be regularised from the date the recruitment rules were issued or if retrospective regularisation is made, it should be done for all the employees. The Review Petitioner alone cannot claim regularisation from a date earlier to the issue of recruitment rules while others

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were all regularised from the date of issue of the recruitment rules. This contention that the employees could not be repatriated back to the parent department has no bearing on the point at issue.

6. The third point is also not relevant in the context of the reason given by us viz., that the services of all the persons in the Security Printing Press could be regularised by adopting the same criterion. In the statement at para 21 of our Judgment, it is seen that the Review Petitioner was appointed as Accountant on deputation on 19-7-1982 while the applicant was appointed as Accountant on deputation from the same date i.e. 19-7-1982. There could be no discrimination in the matter of regularisation as noted above.

7. The fourth point does not stand when the promotion itself is based on a regularisation which we have held could not have been done. Without his services regularised in accordance with the recruitment rules, the Review Petitioner could not be considered for promotion.

8. In the result we see no reason to review our order. The Review Petition is dismissed.

9. The learned Counsel for the Applicant, Shri N.Ramamohan Rao urges that our orders need clarification. He states that as the services of the applicant have already been regularised, the question of regularisation again does not arise. Secondly, since Respondent No.3 (ReviewPetition here) was promoted from 15-6-1989, the issue of promotion has to be decided as on 15-6-1989.

10. We note that the services of the applicant have been regularised from the date of issue of the recruitment rules. If the respondents propose to adhere to the first alternative,

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the question of regularisation of the services of the applicant does not arise. As regards the second point, we clarify that the issue of promotion should be decided as of 15-6-1989.

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

J.N. Narasimha Murthy
(J. NARASIMHA MURTHY)
MEMBER (JUDICIAL)

Dated: 20th July, 1990

Suryanarayana
DEPUTY REGISTRAR (JUDL)

- To
1. The Secretary, Union of India,
Ministry of Finance, Department of Economic Affairs,
nsr New Delhi.
 2. The General Manager,
GOI Security Printing Press,
Hyderabad.
 3. One copy to Mr. C. Suryanarayana, Advocate,
1-2-593/50, Sri Sri Marg, Gaganmahal, Hyderabad-29.
 4. One copy to Mr. N. Rammohan Rao, Advocate for R.1
714, B. Block, Brundavan Apartments, Red Hills, Hyderabad.
 5. One copy to Mr. E. Madanmohan Rao, Addl. CGSC. CAT. Hyd. Bench.
 6. One spare copy.

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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: 20/7/90

ORDER/JUDGMENT:

~~M.A./~~ R.A./C.A. No. 52/90 in

~~T.A. No.~~

~~W.P. No.~~

O.A. No. 9/90

Admitted and Interim directions issued
Allowed.

Dismissed for Default.

Dismissed as withdrawn.

R.A.

Dismissed.

Disposed of with direction

M.A. Ordered/Rejected.

No order as to costs.

