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CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: AT HYDERABAD.

O.A.No. 162/91

Date of Decision: 25-8-92

T.A.No.

Y.Habel, Geological Survey of India Employees Petitioner.
Association (Recognised by Govt of India), Training Institute
Unit, Chandravihar, Mukhamjahi Rd, Hyd-1.

Advocate for
the Petitioner(s)

Versus

Union of India, rep. by Secretary to Govt. of Respondent.
India, Ministry of Steel & Mines, Dept. of Mines, Sastry Bhavan,
New Delhi & 2 others

Sri N.R.Devraj,


Advocate for
the Respondent
(s)

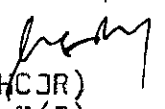
COR M:

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

THE HON'BLE MR. C.J.ROY : MEMBER (J)

1. Whether Reporters of local papers may be allowed to see the Judgment ?
2. To be referred to the Reporters 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 Tribunal ?
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.)


(HRBS)
M(A)


(HCJR)
M(J)

(57)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.162/91

Dt. of Order: 25th August 1992.

1. Y.Habel,
Geological Survey of India Employees' Association
(Recognised by Govt of India)
Training Institute Unit, Chandravihar,
Mukhramjahi Rd, Hyd-1
2. A.Lakshman Rao S/o Ramulu
3. P.Yadaiah S/o Pentaiah
4. B.Anjaiah S/o Narasimhulu
5. A.Christdas S/o Arogyaswamy
6. P.Ashok Kumar S/o Laleshmi Narayana
7. M.Krishna Rao S/o Nagaiah.
8. B.Maheswar S/o Gurapadam
9. D.Ramesh S/o Achaiah
10. Smt.Laxmi W/o Lakshminarasimha
11. Lilu Mahto S/o Chunu Mahto
12. Parameswar Ram S/o Damar Ram
13. Smt. Lalitha W/o Yadaiah
14. Smt. Urnila W/o Veeraswamy
15. Nema Mahto S/o Thegu Mahto
16. Meghu Mahto S/o Rameswar Mahto
17. Guja Mahto S/o Bhandan Mahto
18. Bhishnu Mahto S/o Baijnath Mahto
19. Padam Mahto S/o Nanhun Mahto
20. Chanenath Mahto S/o Latha Mahto
21. Chandradeo Mahto S/o Harinath Mahto
22. Rameshwar Mahto S/o Puran Mahto
23. Budhan Mahto S/o Late Kunyal Mahto
24. K.Kottarappa S/o Hanumappa
25. K.Hanumanthappa S/o Bhadrappa
26. D.Hanumanthappa S/o Dasappa
27. Ningappa S/o Hanumappa
28. K.H.Thippeswamy S/o Hanumappa

....Applicants

Vs.

1. Union of India rep. by Secretary to Govt. of India,
Ministry of Steel & Mines, Department of Mines,
Sastry Bhavan, New Delhi.
2. The Director General, Geological Survey of India,
27-Jawaharlal Nehru Rd., Calcutta-16.
3. The Dy. Director General, Geological Survey of India,
Training Institute, Chandravihar, Mukharamjahi Rd,
Hyd-1.

.....Respondents

....2.

Counsel for the Applicants : Sri P.Subba Rao

Counsel for the Respondents : Sri N.R.Devraj

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CORAM:

THE HON'BLE SHRI R.BALASUBRAMANIAN : MEMBER (A)

THE HON'BLE SHRI C.J.ROY : MEMBER (J)

(Order of the Division Bench delivered by
Hon'ble Sri C.J.Roy, Member (J)).

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This application is filed under section 19 of the A.T.Act, 1985, for a prayer to direct the Respondents to regularise the services of the Contingent Workers who are employed after 20-3-79 with immediate effect in any of the suitable posts in the Group-D Category, with all the consequential benefits such as seniority, arrears of pay and allowances, promotions etc. and pass such other order or orders as this Hon'ble Tribunal may deem fit and necessary in the interests of justice.

2. The brief facts of the case are that the applicants were working as contingent workers for a period ranging from six to 10 years in Geological Survey of India and they are denied regularisation in the Group 'D' posts in the Department. It is averred that the Respondents maintain a group of contingent workers to run the day to day work of Training and the workers are divided into two groups those who are engaged prior to 20-3-79 and those who have been engaged after 20-3-79. Those who are engaged prior to 20-3-79 are only considered for regular appointment in Group 'D'

category, and those who are appointed after 20-3-79 are denied their regularisation in Group 'D' posts eventhough they are continued in service.

3. It is also claimed that the Respondents have issued
dt.17-7-90
a circular/stating that those who appointed as contingent workers after 20-3-79 should not apply for regular Group-D posts in the Department. They have also stated that the Hon'ble Supreme Court in C.P.W.D. workers case held that the contingent workers who are working on daily wages are entitled for regularisation of services immediately after their completion of six month service as per principles of equal pay for equal work vide Civil Writ Petition No.1351/87 dt.10-3-88. The applicants also ~~xxxx~~ relied on the decision of this Bench rendered in O.A.594/89. It is further stated in the application that the Govt. of India issued instructions vide order No.49014/19/84/Estt(C), dt.26-10-84 in which it has been specifically indicated that all the contingent workers who have completed 240/206 days continuous service may be regularised in Group 'D' posts. So the inaction of the Respondents are criticised and stated as violative of Article 14 and 16 of the constitution of India.

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4. The respondents filed a counter stating that no contingent worker junior to the applicants was recruited as Group 'D' employee. Consideration of contingent workers engaged after 20.3.1979 against regular Group 'D' post is regulated by the Department of Mines letter No.O.A.No.49014/7/83-Estt(C), dated 13.10.1983 and the applicants may be considered for Group 'D' appointment after necessary extension of the cut-off date by the Department of Mines. The contingent workers appointed upto 20.3.1979 are called upon for consideration against Group 'D' posts on All India basis in Geological Survey of India. Hence, there are no merits in the O.A. and the O.A. is liable to be dismissed.

5. We have heard Shri P.Subba Rao, learned counsel for the applicants and Shri N.R.Devaraj, Additional Standing Counsel for the respondents.

6. The applicants herein were working as contingent workers for a period ranging from 6 to 10 years and they were denied regularisation of their services in Group 'D' posts for want of vacancies. The respondents in their counter stated that, as per the present practice, the contingent workers appointed upto 20.3.1979 are called upon for consideration against Group 'D' post on All India basis, and not a single contingent worker junior to the applicants was appointed on regular basis.


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7. In view of the above, we direct the respondents to consider the case of the applicants in their turn, as per the rules.

8. With these observations, the application is disposed of with no order as to costs.


(R. BALASUBRAMANIAN)
Member (Admn.)


(C. J. ROY)
Member (Judl.)

Dated: 25th August, 1992.


Deputy Registrar (J)

To

1. The Secretary to Govt. of India, Union of India,
Ministry of Steel & Mines, Dept. of Mines,
Sastry Bhavan, New Delhi.
2. The Director General, Geological Survey of India,
27-Jawaharlal Nehru Road, Calcutta-16.
3. The Deputy Director General, Geological Survey of India,
Training Institute, Chandravihar, Mukharamjahi Road, Hyderabad-1.
4. One copy to Mr. F. Subba Rao, Advocate,
4.1-198, Hanuman Tekdi, Hyderabad.
5. ^{vsn} One copy to Mr. N. R. Devraj, Sr. CGSC. CAT. Hyd.
6. One copy to Hon'ble Mr. C. J. Roy : Member (J) CAT. Hyd.
7. One spare copy.

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

THE HON'BLE MR.

AND

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

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY:
MEMBER (J)

AND

THE HON'BLE MR. C. J. ROY : MEMBER (J)

Dated: 25-8-1992

ORDER / JUDGMENT

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

in

O.A. No.

T.A. No.

(W.P. No)

Admitted and interim directions
issued

Allowed.

Disposed of with directions

Dismissed

Dismissed as withdrawn

Dismissed for default

M.A. Ordered / Rejected

No orders as to costs.

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