

(29)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:  
AT HYDERABAD

ORIGINAL APPLICATION NO.309 of 1991

DATE OF THE JUDGMENT: 8/15 August 1991

BETWEEN:

Mr. P. Sudhakar Babu ..

Applicant

AND

1. Union of India represented by  
The Secretary,  
Ministry of Home Affairs &  
Director of Census Operations,  
New Delhi.

2. The Registrar General of India  
and Census Commissioner,  
New Delhi.

3. The Director of Census Operations,  
Govt. of India,  
Ministry of Home Affairs,  
Andhra Pradesh,  
Hyderabad-500482. ..

Respondents

COUNSEL FOR THE APPLICANT: Mr. N. Rama Mohan Rao

COUNSEL FOR THE RESPONDENTS: Mr. N. Bhaskar Rao,  
Addl. CGSC

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CORAM:

Hon'ble Shri J.Narasimha Murthy, Member (Judl.)

Hon'ble Shri R.Balasubramanian, Member (Admn.)

JUDGMENT OF THE DIVISION BENCH DELIVERED BY THE HON'BLE  
SHRI J. NARASIMHA MURTHY, MEMBER (JUDL.)

This is a petition filed by the petitioner for a relief to direct the respondents forthwith to regularise the services of the applicant in the category of Computer from the date of his appointment as such viz., 5.5.1984 and confer on him all the consequential benefits such as fixation of seniority etc., as has been extended in favour of other similarly placed Computers vide Proceedings No.C 18013/1/90-Estt., dated 6.3.1991. The brief facts of the case are as follows:-

The applicant is a Science Graduate from Osmania University with Mathematics. He got his name enrolled with the local Employment Exchange. While undertaking 1984 Census Operations, a requisition for recruitment to the posts of Computers was placed with the local Employment Exchange and

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the applicant was sponsored along with the others and he was selected in the written test and the interview and appointed as Computer on 5.5.1984 on regular pay scale on adhoc basis, against the clear vacancy existing then with effect from 1.9.1982. He was also granted annual grade increments regularly extending all other benefits that are being conferred on regular employees. The applicant was treated on the same footing as any other regular Computer is being treated excepting that the services of the applicant have not been regularised in the category of Computer so far. The posts of Computers were authorised to be filled up without being notified or referred to the Staff Selection Commission but on an emergency basis.

2. The President of India, in exercise of the powers conferred on him under the Proviso to Article 309 of the Constitution of India, notified the State and Union Territories (Computers) Recruitment Rules, 1984 vide Notification dated 2.12.1984. Rule 3 of the said rules provides for the number of posts, qualifications and the scale of pay attached to the said posts. There were several posts of Computers lying vacant even after the applicant has been appointed on adhoc/temporary basis as Computer. As a policy decision not to regularise the services of adhoc employees, the respondents are not regularising ~~the~~ the services of the applicant. Similarly

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placed employees as the applicant, approached this Tribunal by way of O.A.Nos.108 and 246 of 1990 seeking regularisation of their services and the Tribunal allowed the applications declaring that the applicants therein were entitled for regularisation of their services in the category of Computers with effect from their respective dates of initial appointment. The Tribunal also directed the respondents therein to confer upon such applicants all consequential benefits such as fixation of seniority etc. The respondents pursuant to the Judgment of the Tribunal regularised the services of the applicants in O.A. Nos.108 and 246 of 1990 from the dates of their respective initial appointment in the order of merit of the respective candidate but the same benefits were not extended to the applicant herein on the sole ground that he has not approached this Tribunal and as such he is not entitled to the benefits of the Judgment rendered in O.A.Nos.108 and 246/1990 dated 4.12.1990. There is no justification for not extending similar treatment to the applicant herein.

3. The applicant continued in the service of the Organisation without a single day's break in his service, against<sup>a</sup>/clear and available vacancy

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The respondents ought to have taken a decision on their own and extended the benefit of regularisation of the services of the applicant as has been conferred on the applicants who approached the Tribunal. Hence, the applicant filed this application for the above said relief.

4. The respondents filed a counter with the following contentions:-

The applicant has been working as Computer on adhoc basis with effect from 5.5.1984 and after considering the issue of regularisation of adhoc appointees in consultation with the Department of Personnel & Training, it has been decided by the Registrar General of India to regularise the services of all such adhoc appointees in the grade of S.A. and Computers who were recruited ~~thru~~ through the Employment Exchanges and who fulfilled the prescribed conditions of age and educational qualifications at the time of their initial recruitment with effect from a prospective date after screening on the basis of assessment of Confidential Reports. In the light of the above decision, the 2nd respondent issued instructions vide letter dated 12.3.1991 to take appropriate action for regularising their services from a date subsequent to the date of issue of the letter after following the guidelines indicated

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The respondents ought to have taken a decision on their own and extended the benefit of regularisation of the services of the applicant as has been conferred on the applicants who approached the Tribunal. Hence, the applicant filed this application for the above said relief.

4. The respondents filed a counter with the following contentions:-

The applicant has been working as Computer on adhoc basis with effect from 5.5.1984 and after considering the issue of regularisation of adhoc appointees in consultation with the Department of Personnel & Training, it has been decided by the Registrar General of India to regularise the services of all such adhoc appointees in the grade of S.A. and Computers who were recruited ~~thru~~ through the Employment Exchanges and who fulfilled the prescribed conditions of age and educational qualifications at the time of their initial recruitment with effect from a prospective date after screening on the basis of assessment of Confidential Reports. In the light of the above decision, the 2nd respondent issued instructions vide letter dated 12.3.1991 to take appropriate action for regularising their services from a date subsequent to the date of issue of the letter after following the guidelines indicated

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therein. Accordingly, the applicant along with other candidates who have been initially recruited through the Employment Exchange has been appointed as Computer ~~was~~ on regular basis in a temporary capacity vide office order dated 25.3.1991 with effect from the date of issue of the order. The applicant has been allowed to draw the pay and allowances and his date of increment is also protected and he has also been promoted to the higher post of S.A. on adhoc basis along with other Computers vide office order dated 27.3.1991. The adhoc service rendered by the applicant in the grade of Computer will be considered for the purpose of seniority in the grade as well as eligibility for promotion to the higher grade.

5. As the services of the applicant have already been regularised and he was promoted to the higher grade post of S.A., and as the services rendered by him on adhoc basis/for the purpose of seniority as well as eligibility for promotion, he should not have any grievances and the present O.A. has become infructuous and it is liable to be dismissed.

6. Shri N.Rama Mohan Rao, learned counsel for the applicant and Shri N.Bhaskar Rao, learned Addl. Standing Counsel for the Central Government/Respondents, argued the matter.

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7. It is a fact that the similarly placed employees of the Respondents' organisation approached this Tribunal by way of filing O.A.Nos.108 and 246 of 1990 for regularisation of their services, seniority and other benefits. The Tribunal also directed the respondents to regularise the services of the applicants as Computer with effect from the date of their initial appointment with all consequential benefits such as seniority etc. The applicant ~~is~~ is similarly placed person as the applicants in O.A.Nos. 108 and 246/90. He was recruited as Computer through the Employment Exchange after qualifying in the written and *viva-voce* tests against a clear vacancy. He was also granted annual increments regularly and promoted as S.A. on adhoc basis and for all purposes he was treated as a regular employee without regularising his services. ~~regularising his services~~ The claim of the applicant is covered by the Judgment of this Tribunal in O.A.Nos. 108 and 246/1990. The applicant is entitled to the same benefits given to the applicants in O.A.Nos.108 and 246/1990. Accordingly, we direct the respondents herein to declare that the applicant is entitled to regularisation of his services as Computer with effect from the date of his initial appointment. We also direct the respondents to regularise the services of the applicant as Computer on the above

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basis forthwith and confer on him all consequential benefits such as seniority etc. The respondents are directed to implement the orders within a period of two months from the date of receipt of this order.

8. The application is accordingly allowed.

There is no order as to costs.

*MS*

*R.Balasubramanian*

(J.NARASIMHA MURTHY)  
Member (Judl.)

(R.BALASUBRAMANIAN)  
Member (Admn.)

Dated: 8/11 August, 1991.

*Sgt. ST  
Registered*

To

1. The Secretary, U.O.I., Ministry of Home Affairs & Director of Census Operations, New-Delhi.
2. The Registrar of General of India and Census Commissioner, New-Delhi.
3. The Director of Census Operations, G.O.I., Ministry of Home Affairs, A.P., Hyderabad-500482.
4. One Copy to Mr.N.Rama Mohana Rao, Advocate
5. One Copy to Mr.Naram Bhaskara Rao, Addl.CGSC.,
6. One Spare Copy
7. One copy to Mr.J.Narasimha Murthy, Member (J), CAT., Hyderabad.

vsn

*Final Copy dated 9/8/91*

④  
MR  
18/8/91

TYPED BY  
CHECKED BY  
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

COMPARED BY  
APPROVED BY

THE HON'BLE MR

V.C.

AND

THE HON'BLE MR

M(J)

AND

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

AND

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

DATED: 8 - 8 - 1991

ORDER ✓ JUDGMENT

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

in

D.A. No. 309/91

T.A. No.

(W.P. No.

Admitted and Interim Directions issued.

Allowed.

Disposed of with direction.

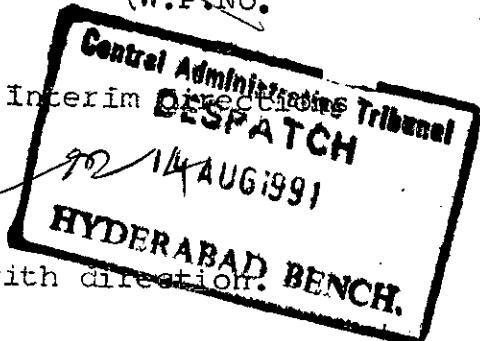
Dismissed.

Dismissed as withdrawn.

Dismissed for default.

M.A. Ordered/Rejected.

No order as to costs.



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