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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

OA. 901/91

date of decision : 20-7-93

Between

K. Rajaiah

: Applicant

and

The Supdtg. Engineer
Hyderabad Central Electrical
Circle
Central Public Works Deptt.
Nirman Bhavan
Sultan Bazar
Hyderabad

: Respondent

Counsel for the applicant

: A. Srinivasa Rao,
Advocate

Counsel for the respondent

: N.V. Raghava Reddy,
Addl. SC for Central Govt.

CORAM :

HON. MR. JUSTICE V. NEELADRI RAO, VICE CHAIRMAN

HON. MR. P.T. THIRUVENGADAM, MEMBER (ADMINISTRATION)

Judgement

(As per Hon. Justice V. Neeladri Rao, Vice-Chairman)

Heard Sri Sri A.Srinivasa Rao, learned counsel for the applicant and Sri N.V. Raghava Reddy, learned counsel for the respondent.

2. It is stated further that two posts of Motor Lorry Drivers in the organisation of the respondents are vacant. ~~Two~~ ^{Two} motor lorry drivers are required to drive jeep and trekker. The above posts are in work charge establishment. The applicant was appointed as Lift operator in the regular establishment.

(55)

3. But the service of the applicant are utilised as ~~driver~~
~~lift-operator~~. Then Central Public Works Department,
 Mazdoor Union represented by its Branch Secretary, by Sri
 B. Premdas, Hyderabad, and Sri M. Sriramulu, of the said
 work charge establishment filed OA.805/87 questioning the
 action of R-3 in the said OA, EE, Electrical, CPWD,
 Hyderabad, ^{was} engaging the applicant herein in ~~OA.805/87~~
 as Driver. The said OA was dismissed by order dated
 26-7-1990 by observing that the applicant herein was not
 appointed as motor lorry driver.

4. The post of motor lorry driver in work charge establish-
 ment had to be filled up by direct recruitment/appointment.
 Fifty per cent of those posts have to be filled by direct
 recruitment while the remaining 50% of the posts have to
 be filled by promotion from the categories of Assistant
 Mechanic, Assistant Fitter, and Assistant Operator in the
 work charge establishment. As the applicant is not working
 in the Work charge establishment, he is not eligible for
 promotion to the post of motor lorry driver, on the basis
 of existing rules. Similarly, he is not eligible ^{even} for
 direct recruitment ^{in regard to} ~~for~~ that post on the basis of the exist-
 ing rules for the in-service-candidates are not eligible
 for direct recruitment. Of course it is open to the con-
 cerned authority to amend the rules or to relax if there is
 a provision to that effect, ^{and} if it is in public interest
 or in the interests of the organisation.

5. As the applicant is not appointed as motor lorry
 driver, he is not entitled to the first relief wherein he
 prayed that he may be permitted to continue as Driver.
 Ofcourse, the question as to whether he can be appointed as

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(3)

motor lorry driver in this organisation depends upon the amendment or relaxation as referred to above.

6. When the services of the applicant were utilized as motor lorry driver for driving jeep in the organization of the respondents, there is force in the contention that the applicant should be paid the difference in the pay and allowances between the scales of the lift operator and the motor lorry driver for the days on which his services were utilised for driving the jeep. To that extent the applicant is entitled towards ~~the~~ second relief claimed in this OA and is ordered accordingly. No costs.

7. Time for ~~appointment~~ ^{implementation} is three months from the date of receipt of this order.

P.T. Thiruvengadam
(P.T. Thiruvengadam)
Member (Admn)

V. Neeladri Rao
(V. Neeladri Rao)
Vice-Chairman

Dated : July 20, 93
Dictated in the Open Court

830/83
Deputy Registrar (J)

sk

To

1. The Superintending Engineer
Hyderabad Central Electrical Circle,
Central Public Works Dept.,
Nirman Bhavan, Sultan Bazar, Hyderabad.
2. One copy to Mr. A. Srinivasa Rao, Advocate, 12-11-163
Brahman Basti, Seethaphalmandi, Secunderabad.
3. One copy to Mr. N. V. Raghava Reddy, Addl. CGSC. CAT. Hyd.
4. One copy to Library, CAT. Hyd.
5. One spare copy.

pvm.

19/7/93

6/6/91
TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE V.NEELADRI RAO
VICE CHAIRMAN

AND

THE HON'BLE MR.A.S.GORTHY : MEMBER (A)

AND

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

AND

THE HON'BLE MR.P.T.TIRUVENGADAM:M(A)

Dated: 20-7-1993

ORDER/JUDGMENT:

M.A/R.A/C.A.N.

O.A.No. 901/91
in

T.A.No. (W.P.)

Admitted and Interim directions
issued.

Allowed

Disposed of with directions

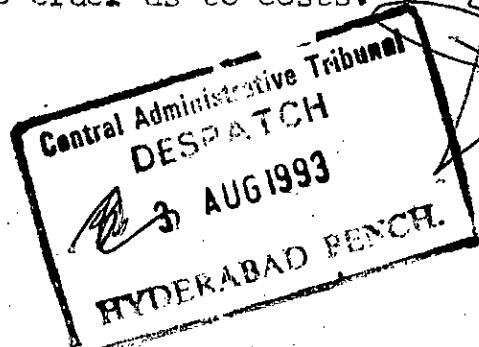
Dismissed

Dismissed as withdrawn

Dismissed for default.

Rejected/Ordered

No order as to costs.



pvm