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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.965/91

Date of Order: 12.12.94

BETWEEN:

Smt. Akber Unnisa

.. Applicant.

A N D

1. Union of India represented
by its Secretary, Ministry of
Steel & Mines, Department of
Mines, Shastri Bhavan,
New Delhi - 110 001.
2. Director General,
Geological Survey of India,
27 Jawaharlal Nehru Road,
Calcutta - 700 016.
3. Sr. Dy. Director General,
Geological Survey of India,
Southern Regional Office,
Bandlaguda, Hyderabad - 660.
4. The Director,
South Zone, A.M.S.E.Wing,
Geological Survey of India,
Bandlaguda, Hyderabad-660.

.. Respondents.

- - -

Counsel for the Applicant

.. Mr.V.Venkateswara Rao

Counsel for the Respondents

.. Mr.V.Bhimanna

- - -

CORAM:

HON'BLE SHRI A.V.HARIDASAN : MEMBER (JUDL.)

HON'BLE SHRI A.B.GORTHI : MEMBER (ADMN.)

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O.A.No.965/91

Date of Order: 12.12.94

X As per Hon'ble Shri A.V.Haridasan, Member (Judl.) X

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The applicant who is a Matriculate being sponsored by the Employment Exchange was appointed as a Typist on casual basis under the Geological Survey of India w.e.f. 3.10.79. Though she was given opportunities for clearing the special examination for absorption. In spite of availing three chances she failed to succeed. Under the circumstances the applicant has filed this application praying that the respondents may be directed to regularise her services as a Lower Division Clerk in the scale of Rs.950-1500/- w.e.f. 7.6.88. In accordance with the instructions contained in OM.No.49014/2/86-Estt.(C) dated 7.6.88 issued by the Department of Postal and Training, Government of India. The application is opposed by the respondents. They contend that the applicant having failed to clear the qualifying examination is not entitled to be regularised as L.D.C. and that the OM referred to in the OA relates only to regularisation of casual labour on Group 'D' post, does not apply to the case of the applicant.

2. We have heard learned counsel for both the parties. The facts that the applicant has been working since 1979 on daily wages and that she could not clear the qualifying examination for regular appointment in spite of appearing thrice are not in dispute. The OM of the Department of Personnel mentioned in the OA relates to absorption of casual labourers on regular basis in Group 'D' post and the same does not relate to appointment to Group 'C' post.

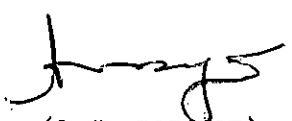
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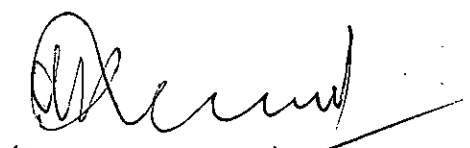
1. The Secretary, Ministry of Steel and Mines,
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2. The Director General, Geological Survey of India,
27, Jawaharlal Nehru Road, Calcutta - 700 016.
3. Sr. Dy. Director General, Geological Survey of India,
Southern Regional Office, Bandlaguda, Hyderabad - 660.
4. The Director, South Zone, A.M.S.E. Wing, Geological Survey
of India, Bandlaguda, Hyderabad - 660.
5. One copy to Mr. V. Venkateswar Rao, Advocate, CAT, Hyderabad.
6. One copy to Mr. V. Bhimanna, Addl. CGSC, CAT, Hyderabad.
7. One copy to Library, CAT, Hyderabad.
8. One spare copy.

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Hence the applicant cannot claim absorption on a Group 'C' post of L.D.C. on the basis of that OM. Sri.V.Venkateswara Rao, learned counsel for the applicant stated that in the peculiar circumstances of the case the applicant would be satisfied if she is given the benefit of the OM dated 7.6.88 and absorbed on a Group 'D' post giving her seniority as a casual mazdoor from the date on which she initially joined. He also stated that the applicant herself represented on 17.11.94 to the 3rd respondent to consider her case for absorption on a Group 'D' post. Sri V.Bhimanna, learned standing counsel for the respondents fairly conceded that considering the long service rendered by the applicant and in the peculiar circumstances of the case the respondents would consider the applicant as a casual labour since 3.10.79 assuring that seniority among casual labour to her and consider her absorption on a Group 'D' post. In the result, in view of the above submission the application is disposed of directing the respondents to treat the applicant as casual labour w.e.f. 3.10.79 with seniority from that date to consider her absorption on a Group 'D' post and to appoint her to such a post giving her the benefit of age relaxation in accordance with the extant rules. No order as to costs.


(A.B.GORTHY)
Member (Admn.)


(A.V.HARIDASAN)
Member (Judl.)

Dated: 12th December, 1994

(Dictated in Open Court)

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Dy. Registrar (J)

Contd.....

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE MR.A.V.HARIDASAN : MEMBER(J)

AND

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

DATED: 12/12/94

ORDER/JUDGMENT.

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

O.A.NO. ⁱⁿ 965/91
T.A.NO.

Admitted and Interim Directions
issued.

Allowed.

Disposed of with Direction.

Dismissed.

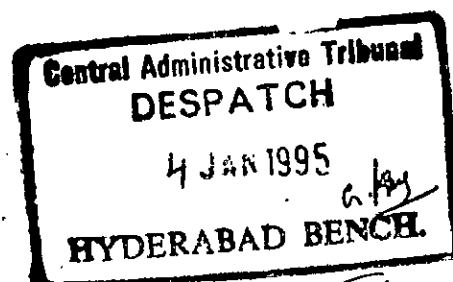
Dismissed as withdrawn

Dismissed for default

Rejected/Ordered

No order as to costs.

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