

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : AT HYDERABAD.

* * *

O.A. 1120/91

Dt. of Decision : 22.4.1994.

1. B.V.Narayana Rao
2. S.K. Hussain
3. G. Krishna Murthy
4. Ch. Vijayakumar
5. K. Jagadeswara Rao
6. R. Appa Rao
7. B. Sampath Kumar
8. P. Suryanarayana
9. K. Babu Rao
10. Gundla Paidaiah
11. D. Rama Murthy

.. Applicants.

Vs

1. The Garrision Engineer (P)
Dry Dock Visakhapatnam.
2. The Chief Engineer,
Military Engineering Service,
Dry Dock Visakhapatnam.
3. The Asst. Garrision Engineer (I)
Bheemunipatnam,
Visakhapatnam District.
4. Commander Works Engineer (Project)
Dry Dock Visakhapatnam. .. Respondents.

Counsel for the Applicants : Mr. V.Venkataramana

Counsel for the Respondents : Mr. N.R.Devaraj, Sr.CGSC.

CORAM:

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

THE HON'BLE SHRI T. CHANDRASEKHARA REDDY : MEMBER (AUDL.)

ORDER

(As per Hon'ble Shri T. Chandrasekhara Reddy, Member(J))

19 of the ~~the~~ Central Administrative Tribunals Act, to direct the respondents herein to treat the applicants as regular industrial employees from the date of their initial appointments as casual labourers as per letter No.2(17)/51//10805/D/CIV-2 dt.10.9.53 and appoint the applicants in the existing vacancies to suitable posts with all consequential benefits and pass such other order or orders as may deem fit and proper in the circumstances of the case.

2. OA 389/93, had been filed by the applicants similarly placed to the applicants herein. The facts in this OA and in OA 389/93 are one and the same. After hearing both sides, OA 389/93 was disposed of by ~~a Bench of this Tribunal was per its Judgement dated 16.3.94 by giving certain directions to the respondents. After hearing both sides in this OA, this OA is also liable to be disposed of by giving the very same directions as given in OA 389/93. Hence, this OA is also disposed of by giving the very same directions that had been given in OA 389/93 which areas under:~~

"In the result, the claim of the applicants is rejected and the OA is dismissed. As and when it becomes necessary for the respondents to engage labour on casual basis, the respondents shall give preference in engaging the applicant(s) if there is work; provided, the applicants produce any material that is acceptable to the respondents that the applicant(s) had worked during the period 1974-1985. Even if the applicant(s) fail to produce any ~~xx~~ such acceptable material, and if the respondents have in their possession any such acceptable material to show that the applicant(s) had worked during the period 1974-85 on casual basis, then also the respondents shall give preference to the applicants herein for engaging them. If the applicant(s) are engaged, it should be construed for all purposes as if fresher(s) are engaged. As and when vacancies become available the applicant(s) shall be absorbed in the said vacancies in accordance with the

relevant instructions/rules/regulations. Once again, we make it clear that the past service of the applicant(s) during the period 1974-85 will not be of any avail to them either for the purpose of regularisation or for the purpose of seniority."

3. Parties shall bear their own costs.

T. Chandrasekhara Reddy

(T.CHANDRASEKHARA REDDY)
Member(Judl.)

A.B. Gorthi

(A.B. GORTHI)
Member(Admn)

Dated: 22nd April 1994
(Dictated in Open Court)

mvl

Anil Gorthi
Deputy Registrar (Judl.)

Copy to:-

1. The Garrison Engineer(P), Dry Dock Visakhapatnam
2. The Chief Engineer, Military Engineering Service, Dry Dock Visakhapatnam.
3. The Asst. Garrison Engineer(I), Beemunipatnam, Visakhapatnam District.
4. Commander Works Engineer(Project), Dry Dock, Visakhapatnam.
5. One copy to Sri. V.Venkataramana, advocate, CAT, Hyd.
6. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
7. One copy to Library, CAT, Hyd.
8. One spare copy.

Ram/-