

39

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.1195 of 1991

DATE OF JUDGMENT: 16th OCTOBER, 1992

BETWEEN:

1. Mr. Appala Reddy
2. Mr. B.V.Nageswara Rao
3. Mr. D.Appa Rao
4. Mr.K.Abbana

Applicants ..

AND

1. Southern Commander,
Military Engineering Service,
Poona.
2. The Commander Works Engineering Project,
Dry Dock, Naval Base Post,
Visakhapatnam.
3. The Assistant Garrison Engineer,
Independent,
Bhimunipatnam,
Visakhapatnam District.
4. The Union of India represented by
its Secretary,
Ministry of Defence,
New Delhi.
5. The Chief Engineer, Army HQs, ENC,
New Delhi.

.. Respondents

COUNSEL FOR THE APPLICANTS: Mr. V.Venkata Ramana

COUNSEL FOR THE RESPONDENTS: Mr. M.Jagan Mohan Reddy,
Addl.CGSC

contd....

(W)

.. 2 ..

CORAM:

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

Hon'ble Shri C.J.Roy, Member (Judl.)

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

This is an application under Section 19 of the Administrative Tribunals Act, 1985 filed by the applicants claiming a relief, "to direct the respondents to treat the applicants as regular Industrial employees from the date of their initial appointments as casual labourers/Mazdoors as per letter No.2(17)/51/10805/D/Civ.2, dated 10.9.1953 and appoint them in the existing vacancies to suitable posts, with all consequential benefits, (since they ~~xxxx~~ were selected and submitted their attestation forms)."

2. The brief facts of the case are that-

All the applicants were appointed as Mazdoors/ Casual Labourers and worked during 1983-84. Thereafter their services were not continued. They worked more than 6 months continuously with a technical break for 89 days, during the above period. In accordance with the letter of the Ministry of Defence Govt. of India, No.3(27)65/11825/ DO/Civ.III, dated 26.9.1966 and No.CM SC RO Part No.II RC 561

contd....

.. 4 ..

appointment should be given to the applicants as per Govt. of India Min. of Defence letter dated 10.9.1953 and the same was implemented in so far as the applicants in T.A.No.736/86. The applicants ~~xxxxxx~~ were considered with all such personnel who have not appealed to the Court pending employment for want of ~~xx~~ release of Local Recruitment Sanction. The respondents state that the applicants case does not fall within the letter of Ministry of Defence either of 10.9.1953 or 29.11.1965 ~~or~~ 26.9.1966. The applicants are guilty of the abuse of the process of the court having suppressed material facts in their application. They filed W.P.No.15905/84 which was dismissed by the Hon'ble High Court for default. The applicants not having sought the restoration of the said W.P. are barred from filing this application. Therefore, the applic~~tion~~ is devoid of merits and is accordingly liable to be dismissed.

4. We have heard the learned counsel for the applicants, Mr. V.Venkata Ramana and the learned Additonal Standing Counsel for the Respondents, Mr. M.Jagan Mohan Reddy.

5. We have, today, disposed of a similar case viz., O.A.No.1194/91 the facts and circumstances of which are similar to the present case. In that case we have given a direction to the respondents to consider the ease of the applicants therein for regularisation of their services in their line, in preference to their juniors, from the date of their initial appointment, in the sanctioned posts existing at Visakhapatnam. The applicants being similarly placed, we

contd....

.. 3 ..

dated 29.11.1965, non-industrial personnel who had been in employment in casual service for more than one year without break should be converted into regular employees with effect from the date of their initial casual appointment. Since the applicants were continued beyond 6 months except for artificial breaks, they will be entitled to regular appointment. In pursuance of the directions, sanctioning the posts by the 1st respondent, the 2nd respondent called the applicants for interview and after verifying their service particulars, they ~~were~~ have selected the applicants in the month of December 1990. The applicants also filled the attestations form required by the respondents and are waiting for the appointment orders. They came to know that the respondent are taking steps to appoint some other candidates in the existing sanctioned posts. Hence, they filed representations dated 17.12.1991 which are pending before the respondents. Since they received no reply, they filed this application for the above said relief.

3. A counter affidavit is filed by the respondents stating that some persons similarly placed and whose services were terminated, filed W.P.No.6378/73/before the High Court of Andhra Pradesh and the same were decided on 2.4.1974 and 1.4.1987 respectively. Pursuant to the directions of the Hon'ble High Court, the respondents initiated action. While so, the Central Admve. Tribunal Hyderabad Bench in T.A.No.736/86 gave a decision that

VB

.. 5 ..

give similar directions that, "we direct the respondents herein to consider the case of the applicants for regularisation of their services in their line, in preference to their juniors, from the date of their initial appointment, in the sanctioned posts existing at Visakhapatnam."

6. The application is accordingly disposed of with no order as to costs.

R.Balasubramanian

(R.BALASUBRAMANIAN)
Member (Admn.)

Umy
(C.O.ROY)
Member (Judl.)

16/5

Dated: 15th October, 1992.

SP/11/2
Deputy Registrar (J)

To

1. The Southern Commander, Ministry Engineering Service, Poona.
2. The Commander Works Engineering Project, Dry Dock, Naval Base Post, Visakhapatnam.
3. The Assistant Garrison Engineer, Independent, Bhimavipatnam, Visakhapatnam Dist.
4. The Secretary, Union of India, Ministry of Defence, New Delhi.
5. The Chief Engineer, Army HQs, ENC, New Delhi.
6. One copy to Mr. V. Venkataramana, Advocate, 62/2RT, Saidabad colony Hyd.
7. One copy to Mr. M. Jagannathan Reddy, Addl. CGSC, CAT, Hyd.
8. One spare copy.

vsn
pvm

*Shri Lak
Datt Joshi*

115/R
TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD

THE HON'BLE MR

AND

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

AND

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

AND

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

Dated: 16 - 10 - 1992

~~ORDER/JUDGMENT:~~

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

in

O.A.No. 1195/91

T.A.No.

(wp.No)

Admitted and interim directions
issued.

Allowed

Disposed of with directions

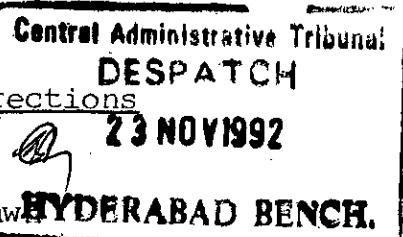
Dismissed

Dismissed as withdrawn

Dismissed for default

M.A.Ordered/Rejected

No orders as to costs.



pvm