

(54)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:  
AT HYDERABAD

O.A.NO.987/92

Date of Judgment/Order:  
7.3.1995

BETWEEN:

D.PILLA RAYUDU

APPLICANT

AND

1. The Superintending Engineer,  
Vizag Central Circle,  
Central PWD, Muralinagar,  
Visakhapatnam.
2. The Superintendent Engineer (Electrical),  
Hyderabad Central Electrical Circle,  
Central PWD, Sultan Bazar,  
Koti, Hyderabad.

RESPONDENTS

COUNSEL FOR THE APPLICANT: SHRI B.UDAYA BHASKAR

COUNSEL FOR THE RESPONDENTS: SHRI N.R.DEVARAJ

CORAM:

HON'BLE SHRI JUSTICE V.MELALURI RAO VICE CHAIRMAN

HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

contd..

53

CA 987/92.

ORDERS

Dt: 7.3.95

(AS PER HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN)

Heard Shri N.R.Devaraj, learned standing counsel  
for the ~~applicants~~ respondents.

2. This OA was filed praying for a direction to the respondents to prepare the seniority list of NMRs and regularise the services of the applicant in the category of NMRs as per the instructions issued by the Central Government.

3. Though this OA was listed for dismissal on 24.2.1995, 6.3.1995 and also today, no one is present for the applicant.

4. The learned standing counsel for the respondents submitted as under:-

One Shri D.Pilla Rayudu, son of Shri Motilal Bapji is a self employed person. In view of the paucity of the communication facilities in the area in which the office of R-I is situated, R-I office and some other offices situated in that locality entrusted the work of carrying post to other offices to Shri Pilla Rayudu, s/o Shri Motilal Bapji. Even that Pilla Rayudu was not engaged either as casual worker or NMR.

contd....

(46)

.. 3 ..

5. But the applicant herein is Shri D.Pilla Rayudu, son of Shri Papanna. In view of the same name ie., Pilla Rayudu of the applicant and also the person whose services were utilised as Messenger by R-I office, the applicant herein filed OA 986/90 claiming the very relief which is now claimed in this OA. In the said OA itself, the respondents had taken the plea that the applicant therein ~~was~~ impersonated as D.Pilla Rayudu, son of Shri Motilal Bapji and ~~and~~ when the matter had come up for consideration before this Bench, the then learned Members of this Bench expressed that if it is a case of impersonation, the applicant therein has to face the necessary consequences and then the Advocate for the applicant therein after consulting the applicant therein who was present in the Court hall submitted that the OA was being withdrawn. Hence, this OA is liable to be dismissed on the basis of the constructive resjudicata.


6. It is further contended for the respondents that even on merits, this OA is liable to be dismissed, for even Shri Pilla Rayudu whose services were utilised as Messenger was not the employee of R-I office and he was only a self employed person and hence even if this relief is claimed by that Pilla Rayudu, this OA is liable to be dismissed.

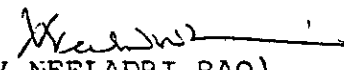
contd....

67

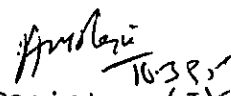
.. 4 ..

7. Any how, as this OA was listed for dismissal and as there is no representation for the applicant, this OA is dismissed for default. No costs./

  
(R. RANGARAJAN)  
MEMBER (ADMN.)

  
(V. NEELADRI RAO)  
VICE CHAIRMAN

DATED: 7th March, 1995.  
Open court dictation.

  
Deputy Registrar(J)

To vsn

- 1- The Superintending Engineer, Vizag Central Circle,  
Central PWD, Mutalinagar, Visakhapatnam.
2. The Superintendent Engineer(Electrical)  
Hyderabad Central Electrical Circle,  
Central PWD, Sultan Bazar, Koti, Hyderabad.
3. One copy to Mr.B.Udaya Bhaskar, Advocate, 22-1-16  
Darulshafa, Hyderabad.
4. One copy to Mr. N.R.Devraj, Sr.CGSC.CAT.Hyd.
5. One copy to Library, CAT.Hyd.
6. One spare copy.

pvm

TYPED BY

COMPAED BY:

CHECKED L.

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. R. RANGARAJAN: M(ADMN)

DATED - 7 - 3 1995.

ORDER/JUDGMENT?

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

O.A.No.

in  
987/92

T.A.No.

(W.P.)

Admitted and Interim directions  
issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default.

Ordered/Rejected.

No.order as to costs.

*no spare copy*

