

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.Nos. 1064/92

1084/92

Date of Order: 16.2.95

BETWEEN:

- | | |
|------------------------|-------------------------------|
| 1. A.Srinivasa Rao | 11. Md.Arifuddin |
| 2. K.Jagadeeshwar | 12. T.Prabhu |
| 3. G.Venugopal Reddy | 13. L.K.Jayasree |
| 4. S.Madhusudan | 14. N.Vimala Prasad |
| 5. V.S.R.Murthy | 15. D.Satyanarayana |
| 6. Ch.Prasada Rao | 16. C.Satyanarayana |
| 7. M.J.Subramanyaeswar | 17. N.Rajeswari |
| 8. T.Rama Devi | 18. R. Balasumitra |
| 9. K.Narsing Rao | 19. B.Lakshmi Devi |
| 10. Md.Azeez Ahmed | 20. K.Ambika Devi |

.. Applicants

A N D

1. The Chief Superintendent of Central Telegraph Office, Hyderabad.
2. Senior Superintendent, Telegraph Traffic Hyderabad Division, Hyderabad.
3. The Director, Telegraph Traffic, A.P., Circle, Hyderabad.
4. The Chief General Manager, Telecommunication, A.P.Circle, Hyderabad.
5. Union of India, rep. by the Director General, Telecommunications, Department of Telecommunications, New Delhi.

.. Respondents.

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O.A.No.1084/92

Between;

- | | |
|-----------------|-----------------------|
| 1. A.Kushal Rao | 5. V.S.Prabhakar |
| 2. N.Veenadevi | 6. K.Annapurna |
| 3. M.Saraswathi | 7. Mohd. Fageed Ahmed |
| 4. C.Sandhyasri | 8. N.Kishan |

.. Applicants

A N D

1. Senior Superintendent Telegraph Traffic Hyderabad Division, Hyderabad.
2. The Chief Superintendent of Central Telegraph Office, Hyderabad.
3. The Superintendent, Telegraph Traffic, Guntur Division, Guntur.
4. The Superintendent, Telegraph Traffic, Warangal Division, Warangal.

.. 1 A ..

- 5. The Chief General Manager, Telecommunications, A.P. Hyderabad.
- 6. Union of India, rep. by the Director General, Telecommunications, Department of Telecommunications, New Delhi.
- 7. The Director, Telegraph Traffic, A.P.Circle, Hyderabad.

.. Respondents.

Counsel for the Applicants

.. Mr.K.Venkateswara Rao
(in both the O.As.)

Counsel for the Respondents

.. Mr. N.V.Ramana
(in 1064/92)

Mr.N.V.Raghava Reddy
(in O.A.1084/92)

CORAM:

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

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

O.A.No.1064/92

+

O.A.No.1084/92

Date of Order: 16.2.95

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

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Since the facts and the question of law involved in both the cases are similar these applications are being considered and disposed of by this common order.

2. The applicants in OA.1064/92 were recruited as Short Duty Telegraphists and the applicants in OA.1084/92 were recruited as Short Duty Telegraph Assistants on different dates in the year 1981. When their services were terminated they challenged the same filing W.P.No.7430/82 before the High Court. In W.P.M.P.10866/92 an interim order was issued directing the department not to terminate the services of the applicants until further orders. The Writ Petition was after the commencement of the Tribunals Act transferred to this Tribunal and numbered as TA.448/86 and was disposed of on 27.3.87 setting aside the orders of termination. Thereafter the services of the applicants were regularised as Telegraphists/Telegraph Assistants, but their grievance is that they have been adjusted towards vacancies which arose in 1988-89 so that they have suffered loss of seniority. Hence in this application they have prayed that it may be declared that they are entitled for regular absorption. Lr.No.209/3/71-STB/-I(PT), dated 5.6.73 read with in accordance with the Lr.No.207/66/80, STB, dated 28.3.81 issued by the Director General P&T with consequential benefits, holding that the action of the respondents in regularising the services of the applicants during 1988-89 by placing them below the candidates recruited subsequent

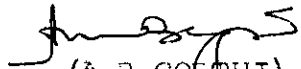
to them in terms of Director General P&T letter dated 31.10.80 as illegal, arbitrary and violative of articles 14 and 16 of the Constitution.


3. In the reply statements the respondents in both the cases have raised almost similar contentions. The fact that the applicants recruited in 1981 and that they were regularised in service are not in dispute. The respondents contention is that the applicants could not be considered for regularisation earlier because of the pendency of the court cases.

4. The pendency of court cases should not have in the normal course stood in the way regularising the services of the applicants on the respective dates of entitlement. However, the counsel for the applicants submitted that the applicants would be satisfied if the applications are disposed of with the direction to the respondents to regularise the services of the applicants with effect from the dates on which any person immediately junior to them and recruited like them has been regularised. The respondents counsel under instructions from the department agreed that the applications may be disposed of with such a direction.

5. In the light of what is stated above both these applications are disposed of with a direction to the respondents to regularise the services of the applicants in these cases with effect from the dates on which the immediate juniors of respective applicants were regularised in service and grant them notional seniority and fixation of pay. The monetary benefits if any flowing out of such earlier regularisation and fixation of pay shall be given to the applicants from the date of filing of this application

i.e. 26.11.92 within a period of 4 months from the date of communication of this order. No order as to costs.



(A.B. GORTHI)
Member (Admn.)


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

Dated: 16th February, 1995

(Dictated in Open Court)

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Deputy Registrar (Judl.)

Copy to:-

1. The Chief Superintendent of Central Telegraph Office, Hyd.
2. Senior Superintendent, Telegraph Traffic Hyderabad Division, Hyderabad.
3. The Director, Telegraph Traffic, A.P.Circle, Hyd.
4. The Chief General Manager, Telecommunication, A.P.Circle, Hyderabad.
5. The Director General, Telecommunications, Department of Telecommunications, Union of India, New Delhi.
6. The Superintendent, Telegraph Traffic, Guntur Division, Guntur.
7. The Superintendent, Telegraph Traffic, Warangal Division, Warangal.
8. One copy to Sri. K.Venkateswara Rao, advocate, (in both the O.As), CAT, Hyd.
9. One copy to Sri. N.V.Ramana, Addl. CGSC, CAT, Hyd.
10. One copy to Sri. N.V.Raghava Reddy, Addl. CGSC, CAT, Hyd.
11. One copy to Library, CAT, Hyd.
12. One spare copy.

Rsm/-