

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.216 of 1992

DATE OF JUDGMENT: 29th March, 1993.

BETWEEN:

Mr. P.Ramachandra Rao

Mr. T.Sri Ram

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Applicants

AND

1. Union of India represented by
its Secretary,
Ministry of Home Affairs &
Director of Census Operations,
New Delhi.

2. The Registrar General of India &
Census Commissioner,
New Delhi.

3. The Director of Census Operations,
Govt. of India,
Ministry of Home Affairs,
Andhra Pradesh,
Hyderabad-482.

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Respondents

COUNSEL FOR THE APPLICANTS: Mr. N.Rama Mohan Rao, Advocate

COUNSEL FOR THE RESPONDENTS: Mr. N.R.Devaraj, Sr. CGSC

CORAM:

Hon'ble Shri Justive V.Neeladri Rao, Vice Chairman

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

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JUDGMENT OF THE DIVISION BENCH DELIVERED BY THE HON'BLE
SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN

These two applicants joined service as Computers on adhoc basis on 28.1.1981 and 10.2.1981 respectively. They applied for the post of Electronic Data Processing Operator (EDP Operator) and they were selected and appointed on 1.4.1983 and 1.2.1983 respectively. This OA was filed praying for the following reliefs:-

i) to declare that the applicants were also entitled to have the service rendered by them as Computers on adhoc basis with effect from 28.1.1981 and 10.2.1981 respectively regularised and treated as regular service; and

ii) to declare that on the above basis the applicants are entitled for consequential benefits such as consideration for seniority in the category of Operators and also consideration of their cases for the purpose of promotion as Junior Supervisors with appropriate pay protection.

2. This Tribunal by the orders dated 4.12.1990 in OA 108/90 and the order dated 8.8.1991 in OA 289/91 directed the respondents to regularise the services of the employees who are engaged on adhoc basis as Computers by the respondents. It is submitted that in pursuance of these directions, regularisation had been given from the

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22/9/95

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Copy to:-

1. Secretary, Ministry of Home Affairs & Director of Census Operations, Union of India, New Delhi.
2. The Registrar General of India & Census Commissioner, New Delhi.
3. The Director of Census Operations, Govt. of India, Ministry of Home Affairs, A.P.Hyd-482.
4. One copy to Sri. N.Ram Mohan Rao, advocate, CAT, Hyd.
5. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
6. One spare copy.

Rsm/-

4/12/82

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date on which the respective employees served as Computers on adhoc basis. It is contended for the respondents that as the applicants are no longer in service as Computers, they were not given the said benefit. But we feel that it is not proper to make any discrimination between those who are still in service as Computers and those who are out of service as Computers when regularisation was given from the date on which one joined service as Computer on adhoc basis. Hence, the first relief as claimed is granted, in view of the orders of this Tribunal in OAs 108/90 and 289/91.

3. The question as to whether the service rendered on regular or temporary basis in one category in the same organisation or in some other establishment or Government can be added to the regular service for which such an employee was selected and appointed, is a matter of policy. Hence, this Tribunal cannot give any direction in regard to the first portion of the second relief and the OA in regard to the first portion of the second relief is dismissed. In regard to the remaining portion of the second relief, the question of giving direction for promotion as the Junior Supervisors does not arise.

4. The OA is ordered accordingly. No order as to costs.

(Dictated in the open Court.)

V. Neeladri RAO
(V. NEELADRI RAO)
Vice Chairman

R. Balasubramanian
(R. BALASUBRAMANIAN)
Member (Admn.)

Dated: 29th March, 1993.

30/8/93
vsn

83/3/93
Dy. Registrar (Jude.)

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O.A. 216/92

TYPED BY

COMPARED BY

CHECKED BY

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. BALASUBRAMANIAN :
MEMBER (ADMN)

AND

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

DATED: 29/3/-1993

ORDER/JUDGMENT

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

in

O.A.No.

216/92

T.A.No.

(W.P.No. _____)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions

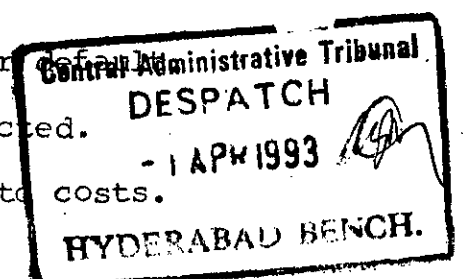
Dismissed as withdrawn.

Dismissed

Dismissed for default

Ordered/Rejected.

No order as to costs.



pvm

21/3/93