

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH
AT HYDERABAD

O.A. Nos. 1066, 1067 and 1068/92 Dt. of Decision 13.4.93

~~XXXXXX~~

Petitioner

Advocate for
the petitioner
(s)

Versus

Respondent.

Advocate for
the Respondent
(s)

CORAM

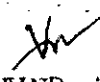
THE HON'BLE MR. Justice V. Neeladri Rao, Vice Chairman

THE HON'BLE MR. P.T. Thiruvengadam, Member (Admn.)

1. Whether Reporters of local papers may be allowed to see the judgement?
2. To be referred to the Reporters or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. Whether it needs to be circulated to other Benches of the Tribunal?
5. Remarks of Vice-Chairman on Columns 1, 2, 4 (to be submitted to Hon'ble Vice-Chairman where he is not on the Bench.)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION Nos.1066, 1067
AND 1068 of 1992

DATE OF JUDGMENT: 13th April 1993

BETWEEN:

Mr. Penta Reddy.S	..	Applicant in OA 1066/92
Mr. K.Punesh	..	Applicant in OA 1067/92
Mr. C.Mohan Reddy	..	Applicant in OA 1068/92

AND

1. The Chief General Manager, Telephones, A.P.Circle, Hyderabad-1.		
2. The Chief Engineer's Office, Hyderabad-1.	..	Respondents in all the OAs

APPEARANCE:

COUNSEL FOR THE APPLICANTS: Mr. V.Venkateswara Rao, Advocate

COUNSEL FOR THE RESPONDENTS: Mr. M.Kesava Rao, Addl.CGSC

CORAM:

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

Hon'ble Shri P.T.Thiruvengadam, Member (Admn.)

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

All these three OAs are considered together as ^{have} ~~similar~~ point is involved. All these applicants are Physically Handicapped persons. 1982 was celebrated as World Physically Handicapped Year. Then, the Telecommunications Department in India allotted Telephone Booths to Physically Handicapped people for being ~~xx~~ manned by them on commission basis. These applicants have been authorised to work under the said scheme on commission ~~-----~~ with effect from different dates.

2. The impugned order dated 14.11.1992 ~~in OA 1066/92~~ issued by the 2nd respondent is assailed in these OAs.

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GA 1066/92

"In view of surplus of TOA(TC) staff in Twin Cities, your services are no more required in Twin Cities.

Therefore you are hereby ordered to work on commission basis at the Telegraph

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The impugned order dated 14.11.1992 in the other two OAs ^{are} ~~are~~ similar except in regard to the place at which the respective applicants were directed to work on commission basis.

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3. Shri V.Venkateswara Rao, learned counsel for the applicants submitted that there is no provision for issual of such an order and the income of the applicants will be materially affected if they work at ^{smaller} ~~similar~~ places instead of twin cities, for manning the telephone booths on commission basis. The learned Standing Counsel for the Respondents relied upon the letter No.256-25/86-STN, dated 27.5.1988 to urge that in case of transfer of surplus staff from ^{one} ~~recruitment~~ unit to another, seniority would be transferred first and as the applicants are not even regular employees, they have to be transferred to accommodate regular employees. But there is ^{fallacy} ~~no~~ in the said contention. That letter is applicable only in case when it is necessary to transfer an employee from one unit to another. In view of the said letter, a senior can contend that he cannot be transferred from one unit to another so long as his junior is not transferred. But the applicants are ~~not regular employees of the department~~ are engaged only on commission basis. No material is placed before us to show that a right is reserved with the Department to transfer commission agents from one booth to another or from one place to another. The Tribunal can take cognizance of the fact that there will be reduction in the ^{income by way of} ~~commission~~ when the person is shifted from a booth in twin cities to a booth in Taluq Headquarters or even to a booth in District Headquarters. As there is

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provision for transfer of surplus staff from one recruitment unit to another and as there is no provision for transfer of commission agents who are authorised ~~xxx~~ to work for manning telephone booths, it is not open to the concerned authorities to direct the Commission Agents to work elsewhere to accommodate the surplus staff. Hence, the impugned orders are liable to be set-aside and accordingly they are set-aside.

4. Of course, if any of the applicants are going to be absorbed as regular employees in view of the scheme ^{or going to be evolved} that is evolved in pursuance of the order in OA 502/91 and batch, then the rules will be applicable to such absorbed employees also and it is open to the concerned authority of the Department to transfer.

5. The OAs are ordered accordingly. There is no order as to costs.

P. T. Thiruvengadam
(P.T.THIRUVENGADAM)

V. NEELAPPRIMAN
(V. NEELAPPRIMAN)

Dated: 13th April, 1993.

8/4/93
Deputy Registrar

To,

1. The Chief General Manager, Telephones, A.P.Circle, Hyderabad-1.
2. The Chief Superintendent, Central Telegraph Office, Hyd-1.
3. Three copies to Mr.V.Venkateswar Rao, Advocate, CAT.Hyd.
5. One copy to Library, CAT.Hyd.
6. One spare copy

pvm

P. J. Latha
16/4/93