

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.762 of 1992

DATE OF JUDGMENT: 31st March, 1993

BETWEEN:

Mrs. B.Rukmani Bai

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Applicant

AND

1. The Executive Engineer,
Lower Godavari Division,
Central Water Commission,
Hyderabad-500028.

2. The Superintending Engineer,
Central Water Commission,
Hyderabad.

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Respondents

APPEARANCE:

COUNSEL FOR THE APPLICANT: Mr. O.S.Venkat Rao for
Mr. T.Seshagiri Rao, Advocate

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

CORAM:

Hon'ble Shri Justice 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 R.BALASUBRAMANIAN, MEMBER (ADMN.)

This OA is filed seeking a direction to the respondents to regularise the services of the applicant on permanent basis as Sweeper from the date of original appointment by giving her regular time scale of pay and the consequential benefits.

2. It is averred that the applicant has been working in the office of the respondents from 1.2.1977 on part-time basis. The services of the applicant as part-time Sweeper were extended from time to time in various spells. She is paid out of the contingency fund of the office. Faced with uncertainty, the applicant claims that there is justification for the post as Sweeper and she should be appointed as Sweeper on regular basis.

3. The respondents opposed the OA and filed the counter. It is stated in the counter that the respondents' office is a small office having a total of about 30 persons with a carpet area of 275 sq.mts approximately housed in ~~in~~ a private rented building. Hence, there has never been a post of Sweeper in the respondents' office. However, for the upkeep of the premises, the applicant is engaged as a part-time Sweeper for about 1½ hours per day before the office opens.



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To

1. The Executive Engineer,
Lower Godavari Division,
Central Water Commission, Hyderabad-28.
2. The Superintending Engineer,
Central Water Commission, Hyderabad.
3. One copy to Mr.T.Seshagiri Rao, Advocate,
21/3RT, Vijayanagar Colony, Hyderabad.
4. One copy to Mr.N.R.Devraj, Sr.CGSC.CAT.Hyd.
5. One spare copy.

pvm

Handwritten:
P. S. C.

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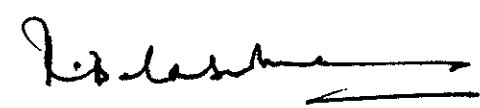
It is categorically averred that the Sweeper is not needed to perform her duties during the office working hours. Such being the case, they considered that there is no justification for the post of Sweeper.

4. Heard Mr. Venkat Rao for the applicant and Mr. N.R. Devaraj for the respondents. Since it is categorically averred by a sworn ~~in~~ statement that there is no post of Sweeper in the office, the question of considering the applicant for regular appointment to the post of Sweeper does not arise. The OA is liable to be dismissed. We, however, fondly hope that as and when there is justification for the post of full time Sweeper, the claim of the applicant should be considered in preference to others ~~by virtue of~~ ^{considering} the service she has been rendering for more than 15 years.

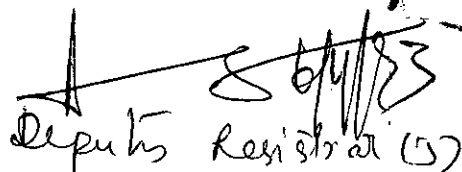
5. The OA is accordingly disposed of with no order as to costs.

(Dictated in the open Court).


(V. NEELADRI RAO)
Vice Chairman


(R. BALASUBRAMANIAN)
Member (Admn.)

Dated: 31st March, 1993.


Deput Registrar (S)

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. K. BALASUBRAMANIAN :
MEMBER (ADMN)

AND

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

DATED: 31-3-1993

~~ORDER~~/JUDGMENT

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

in

O.A.No. 762/92

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

