

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.742/93

Date of Order: 10.2.94

BETWEEN:

G.Yadaiah

.. Applicant.

A N D

Director of Defence Electronics,
Research Lab.,
Chandrayanagutta Lines,
Hyderabad - 500 005.

.. Respondent.

Counsel for the Applicant

.. Mr.B.Tharakam

Counsel for the Respondents

.. Mr.N.R.Devraj

CORAM:

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

THE HON'BLE SHRI T.CHANDRASEKHARA REDDY, MEMBER (JUDL.)

O.A. 742/93

Dt. of Decision : 10.2.94

ORDER

¶ As per Hon'ble Shri A.B. Gorthi, Member (Admn.) ¶

The applicant states that he was initially engaged as a Casual Worker in the Respondent Laboratory in August 1984. He worked as such for some time and was paid from the public funds. In 1987 he started working with the Unit Run CSD Canteen of the respondents organisation. While working in the Unit Run CSD Canteen, he was paid from the Canteen profits which were not public fund, ^{but would come from} ~~which came~~ under the status of regimental fund.

2. In 1991 the respondents conducted a selection for regular appointment to the post of helper. The applicant along with another casual worker, was selected as can be seen from the respondents letter dt. 5.3.91. Thereafter he was given the appointment order also vide Daily Order Part I, dated 26 June 1991. The order states that consequent to regularisation, he was appointed as helper with effect from 13.12.1991 and was also allotted Token No. DLRL/899. Even though he was thus appointed, he was informed vide letter dt. 22 June 1993 that his ~~the~~ appointment as Helper was not regular and that his case which was taken up with ~~are~~ R&D Head Quarters, Delhi was turned down on the ground that at the time of regularisation, he was working as a Casual Labour in the Unit Run CSD Canteen and that he was not paid from public fund. Aggrieved by the same he has filed this

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application praying for a direction to the respondents to set aside the impugned order dt. 22 June 1993 and to pass such order or orders as may deem fit and just.

3. The respondents in the reply affidavit have stated that the applicant was through-out working as a Casual Labour in the Unit Run CSD Canteen and was being paid from the canteen profits. He was never paid from the public fund. ~~Consequent to~~^{the} various schemes which are in vogue for regularisation of casual labourers, cannot be invoked by the applicant as he was not ^a casual worker paid from the public funds. The respondents admit the fact that the applicant was selected and offered the appointment of ~~the~~ helper but contended that it was done erroneously. In fact, other employees who were working with the canteen were also given regular appointments but the same was found to be defective because they were not paid from public fund ~~but were merely working as casual labourer~~. The case of those individuals ~~who~~ had already been taken up with the higher Head Quarters, where the matter is under consideration.

4. We have heard learned counsel for both the parties. It is urged by the applicant's counsel that the applicant had worked as Casual Labourer in the DLRL and was paid from public fund during the period 1984-87. It was only thereafter that he was shifted to the Unit Run CSD Canteen. Thus the applicant was in continuous

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(61.)

employment of the respondents and cannot therefore be denied the benefit of regularisation in accordance with the extant scheme. In any case as the applicant was duly selected and was given ~~the~~ necessary appointment order, the respondents are ^{bound} to ~~that of the same~~ and give him appointment as a helper and continue him as such. The important ^{issue} ~~matter~~ that has to be verified is whether the applicant had worked as a Casual Labour ^{in DLRL} ~~SDLR~~ during 1984-87 and was being paid from the public fund during that period. If that is so, ~~we see~~ his case for regularisation deserves to be considered notwithstanding the fact that from 1987 onwards he was working with the Unit Run CSD Canteen of the respondents. This aspect of the matter ~~is~~ required to be verified by the respondents.

5. In case it is ^{found} that the applicant did work as a Casual Labourer with the DLRL during the year 1984-87 and was paid from the public fund, he should be given similar benefit as was given to Sri. PBVS. Murthy and Sri. Srinivasulu who also while working as Casual staff in the Unit Run CSD Canteen were regularly employed as LDC and Lab bearer respectively by the respondents.

(#6) (62)

6. In view of the afore stated, the respondents are given two months time to verify the working of the applicant as stated above and in case it is found that the applicant did work as a Casual labour 1984-87 and paid from public fund, the respondents are directed to give effect to the appointment order issued by Daily Order Part I dt. 28.6.1991.

7. The application is ^{thus} disposed of. No order as to costs.

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T. Chandrasekhara Reddy
(T. CHANDRASEKHARA REDDY)
MEMBER (JUDL.)

A.B. Gorthi
(A.B. GORTHI)
MEMBER (ADMN.)

Dated : The 10th February 94.
(Dictated in Open Court)

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Prady
21.2.94
Deputy Registrar(J)C.C.

To

1. The Director of Defence Electronics,
Research Lab, Chandrayanagutta,
Hyderabad-5.
2. One copy to Mr.B.Tharakam, Advocate, 1-10-24, Ashoknagar, Hyd.
3. One copy to Mr.N.R.Devraj, Sr. CGSC.CAT.Hyd.
4. One copy to Library, CAT.Hyd.
5. One spare copy.

pvm

P52 bmd
15/2/94

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COMPARED BY

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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. A. B. GORTHY : MEMBER (A)

AND

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

AND

THE HON'BLE MR. R. RAMARAJAN : MEMBER
(ADMN)

Dated: 10-2-1994.

~~ORDER/JUDGMENT:~~

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

in

O.A.No.

T.A.No.

742/93

(W.P.No.)

Admitted and Interim Directions
issued.

Allowed.

Disposed of with directions: Administrative Tribunal
Dismissed. DEPARTCH
Dismissed as withdrawn. 25 FEB 1994
Dismissed for Default.
Rejected/Ordered. HYDERABAD BENCH.

No order as to costs.

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containing the cause title

18/02/94