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THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

O.A.NO. 389/93

Date of Order: 16-3-94.

Between:

1. K.Mohan Rao.
2. F.Narayana Rao.
3. G.S.N.Raju.
4. R.Nagabhushanam.
5. V.Venkata Ramana Murthy.
6. F.Kanaka Rao
7. G.Appala Naidu.
8. R.Nageswara Rao.
9. P.Kama Raju
10. B.Suryanarayana Murthy.



and

Applicants.

1. The Union of India, rep. by its Secretary, Ministry of Defence, New Delhi.
2. Engineer-in-Chief, E-in-C's Branch, AHQ, DHQ, Post, Kashmeri House, New Delhi.
3. Chief Engineer, Southern Command, Pune-1.
4. ~~Chief Engineer (Navy) Station Road, Visakhapatnam-4.~~
5. C.W.E.(P) IRSD Area, Kancharapalem Post, Visakhapatnam.
6. Garrison Engineer, (P) E/M, C/o CEM(P) 9, IRSD Area, Kancharapalem Post, Visakhapatnam.

Respondents.

Counsel for the Applicants: Mr.V.Venkataramana.

Counsel for the Respondents: Mr.N.R.Devraj.Sr.CESC.

CORAM:

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

HON'BLE SRI H.RAJENDRA PRASAD : MEMBER(ADMN)

ORDER OF THE DIVISION BENCH DELIVERED BY

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

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This is an application filed under Section 19 of the Administrative Tribunals Act to direct the respondents to treat the applicants as regular Industrial Workers from the date of initial

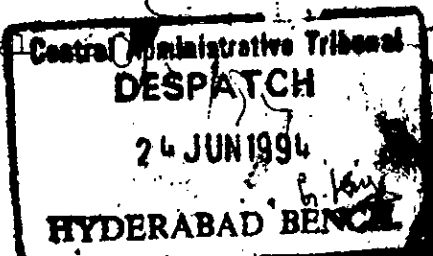
If the period the applicants had worked during the period 1977-81. is to be taken into consideration and the applicants are to be given seniority as contended by them, then we will be unsettling what had been settled by the respondents by selecting 236 personnel and giving them regular appointment assigning seniority. That cannot be permitted under any circumstances. So, in view of the facts and circumstances of the case the applicants cannot have the benefit of their past service either for the purpose of regularisation or for the purpose of seniority and so the claim of the applicants for regularisation is liable to be rejected. As the applicants claim for regularisation is rejected they can also stake their claim for appointment to the present vacancies if any are available except in accordance with rules and regulations now in force. So, even though the claim of the applicants is liable to be rejected with regard to regular appointments and for seniority, if the applicants had really worked with the respondents during the period of 1977-81 this OA is liable to be disposed of with appropriate directions so as to subserve the ends of justice and to protect the interest of the applicants.

6. In the result, the claim of the applicants is rejected and the OA is dismissed, and when it becomes necessary for the respondents to engage labour on casual basis the respondents shall give preference in engaging the applicants if there is work, provided the applicants produce any material that is acceptable to the respondents that the applicants had worked during the period 1977-81. Even if the applicants fail to produce any such acceptable material and if the respondents have in their possession got any material to show that the applicants had worked during the period 1977-81 on casual basis then also the respondents shall give preference to the applicants in engaging them. If the applicants are engaged it should be construed for all purposes as if freshers are engaged. As and when vacancies become available the applicants shall be absorbed in the said vacancies in accordance with the relevant instructions/rules regulations. Once again- we make it clear that the past service of the applicants during the period 1978-81 will not be of any avail to them either for the purpose of regularisation or for the purpose of seniority. The parties shall bear their own costs,

CERTIFIED TO BE TRUE COPY

Date

Court Officer
Central Administrative Tribunal
Hyderabad Bench
Hyderabad:



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at this belated stage and so this OA is liable to be dismissed. As the applicants are not provided appointments the applicants have approached this Tribunal for the relief as already indicated above.

4. We have heard today Mr.V.Venkataramana, counsel for the applicants and Mr.N.R.Devraj, Standing Counsel for the respondents.

5. The case of the applicants is that they had worked with the respondents on casual basis during the years 1977-1981. It is also their case that casual employees similarly situated to the applicants herein had been appointed and that their services had been regularised in pursuance of the directions given in W.F.7041/84 on the file of the High Court and TA.736/84 on the file of this Tribunal and that the applicants herein are also entitled to similar benefits as had been given to the petitioners in WP 7041/84 and TA.736/86. If it is a fact that the applicants had worked during the period from 1977-81 there is no reason why the applicants in spite of the elaborate publicity that had been given did not appear like others who had been engaged during the period 1977-81 by the respondents and prove that they had worked during that period and get the same benefit which the others had. So, in view of the fact that these applicants had failed to appear and to prove that they had worked during the years 1977-81 before the competent authority, it is not open for the applicants to claim similar benefits on par with those that had been selected, appointed and regularised on proof that they had worked during the years 1977-81. The applicants are also not entitled in the circumstances of the case to claim seniority over the persons that had been regularly selected in pursuance of the directions given in WP 7041/84 and TA.736/86. For all purposes the appointment of the said 236 personnel who had been selected by the competent authority in view of the proof they could produce that they had worked during the period from 1977-81 on casual basis is final. But already pointed out, the applicants had not appeared before the competent authority to prove that they had worked during the period 1977-81. As the selection of the 236 personnel is regular and their services are regularised, it is not open to the applicants now to contend that their seniority is to be taken into consideration depending on the number of days they had worked during the period 1977-81.

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STANDING COUNSEL
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