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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.1146-of 1993

DATE-OF-ORDER:- 29th November, - 1996

BETWEEN:

1. R.Venkata Ramana Murthy,
2. STVM Gupta,
3. Smt.S.Laxmi. Applicants

AND

1. The Chief General Manager,
Telecommunications, Abids,
Hyderabad 500 001,
2. The General Manager,
Telecom, Visakhapatnam-1,
3. The Telecom District Engineer,
Vizianagaram 531 202,
4. The Telecom District Manager,
Dabagardens,
Visakhapatnam 530 020. Respondents

COUNSEL FOR THE APPLICANTS: SHRI M.P.CHANDRAMOULI

COUNSEL FOR THE RESPONDENTS: SRI N.R.DEVARAJ, Sr.CGSC

CORAM:

HON'BLE SHRI R.RANGARAJAN, ADMINISTRATIVE MEMBER

HON'BLE SHRI B.S.JAI PARAMESHWAR, JUDICIAL MEMBER

ORAL ORDER (PER HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.))

Heard Mr.K.Janadhana Rao for Mr.M.P.Chandramouli,
learned counsel for the applicants and Mr.N.R.Devaraj,
learned senior standing counsel for the respondents.

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2. There are 3 applicants in this OA. They were initially appointed as Short Duty Telephone Operators in Vizianagaram Division. They were discharged from duty as it is stated that they were engaged against leave vacancies on casual basis against absentism and other eventualities. Against this termination they filed Writ Petition No.12057/84 on the file of A.P.High court. It was transferred to this Bench on its formation and was renumbered as Transferred Application No.21/87. That T.A. was disposed of by the order dated 16.10.87. The operative portion of that order reads as below:-

the applicant and the learned standing counsel for the respondents. The contention of the respondents is that even though they were not eligible for appointment as Short Duty Telephone Operators, since there was much absenteesm to meet the requirement of casual basis. The learned counsel for the applicants states that the appointment order does not disclose that they were appointed on a casual basis and different from those who have been selected and included in the 'B' list. Specifically The state appointment order states that they were selected as Short Duty Telephone Operators and they were also sent for training. We are unable to agree with

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the contention of the respondents that the applicants were selected on casual basis different from the others who were selected along with them and included in the 'B' list. It is not open to the respondents now to say that they are to be treated differently from those included in the 'B' list. The application is accordingly allowed and we direct that the applicants be treated on par with the 'B' list candidates who were selected and appointed in pursuance to the advertisement and vide orders issued on 10.10.80, 29.10.80 and 5.5.81 by the sixth respondent. There will be no order as to costs."

It is stated that the applicants' request for back wages was turned down and no decision was taken in regard to the regularisation and seniority on par with those who were in 'B' list panel of the Telephone Operators of 1981. It is stated in Page 5 of the OA that all the three applicants had sent a detailed representation on 2.11.92 to R-1 for and seniority on par with 1980 recruits in accordance with the judgement in TA 21/87. But it is stated that their representation ^{have} ~~has~~ not been replied so far.

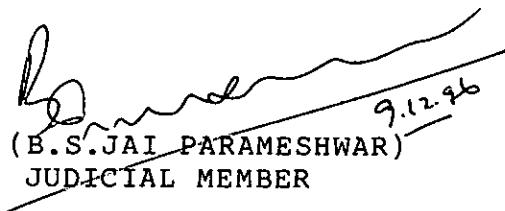
3. This OA is filed to regularise them and fix their seniority on par with their juniors in 1980 recruitment of Short Duty Telephone Operators and to set aside the order No.RE-3/TOs/Rectt/Corr/91-92/30 dated 7.9.91 whereby their



backwages for the periods prior to regularisation were rejected and for consequential direction to regularise them in accordance with the judgement referred to above.

4. The direction of this Tribunal in TA 21/87 is very specific. It is not understood why this OA was allowed to be filed for the same relief which has already been adjudicated. Hence, we do not see any necessity to pass any order in this OA. The only direction that has to be given in this OA is to direct R-1 to dispose of the representation dated 2.11.92 in the light of the judgement in TA 21/87 and in accordance with the rules. Time for compliance is four months from the date of receipt of a copy of this judgement.

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


(B.S.JAI PARAMESHWAR)
JUDICIAL MEMBER


(R.RANGARAJAN)
ADMINISTRATIVE MEMBER

DATED:- 29th November, 1996
Dictated in the open court.


Amala
Dy. Registrar (S)

(28)

9/12/96

09/11/96/93

THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH HYDERABAD

TYPED BY

CHECKED BY

COMPIRED BY

APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN: M(A)

AND

THE HON'BLE SHRI B.S. DAI PARAMESHWAR:
M(J)

DATED:

29/11/96

ORDER/JUDGEMENT

R.S./C.P/M.A. NO.

O.A.NO.

IN
1146/93ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED:

NO ORDER AS TO COSTS.

II COURT

YLR

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केन्द्रीय प्रशासनिक विधिकरण
Central Administrative Tribunal

मेष्ट्राय/DESPATCH

18 DEC 1996 New

हैदराबाद व्यापीठ
HYDERABAD BENCH