

(22)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA.1374/93, and
MA.156/94 in OA.1374/93 date of decision : 1-3-94

Between

R. Prabhakar : Applicant

and

1. The Accountant General(Audit)II
Andhra Pradesh
Hyderabad 500463

2. Dy. Accountant General(Admn)
O/o the Accountant General(AU)II
Andhra Pradesh
Hyderabad 500 463

3. Audit Officer (OE)
O/o The Accountant General(Audit)II
AP, Hyderabad 500463

4. Resident Audit Officer
Telugu Ganga Project
Dargamitta
Nellore-3

5. Assistant Audit Officer
O/o the Resident Audit Officer
Telugu Ganga Project
Srikalahasti
Chittoor Dist. : Respondents

O

Counsel for the applicant : G. Rama Rao
Advocate

Counsel for the respondents : G. Parameshwara Rao,
SC for CG

CORAM :

HON. MR. A.B. Gorthi, Member (Administration)

Hon. Mr. T. Chandrasekhara Reddy, Member (Judl)

BNP

(23)

Judgement

(As per Hon. Mr. A.B. Gorthi, Member (Admn.))

The applicant joined office of the Respondents No.5 as a casual worker on 1-11-1991. He passed Intermediate and also Higher in Typewriting and he is physically handicapped. He had rendered more than 240 days of service in each of the years 1991-92 and 1992-93, till now. His services were terminated by means of an oral order on 5-11-1993. Aggrieved by the same he has filed this OA praying for a direction to the respondents to continue him as casual labourer and regularise him in due course.

2. At the time of admission, a direction was given to the respondents to continue the applicant if there was work. Consequently, the respondents allowed the applicant to continue as casual labourer but once again he was asked not to attend office from 19-1-1994.

3. The respondents in counter affidavit clarified that initially there were 14 vacancies in Group-D posts and accordingly 14 casual workers were engaged. Subsequently, due to reorganization, ¹⁶ number of regular vacancies were restricted to 12. As a result, two junior most casual workers including the applicant had to be disengaged.

4. We have heard Sri G. Rama Rao, learned counsel for the applicant and Sri G. Parameshwara Rao, learned counsel for the respondents. Learned counsel for the applicant states that the applicant is fully qualified and eligible to be regularly absorbed as Group-D employee under the respondents. He has further contended that some of the senior casual workers still retained are not even eligible to be regularly absorbed.

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To

1. The Accountant General (Audit) II A.P.
Hyderabad-463.
2. The Deputy Accountant General (Admn)
O/o the Accountant General (AU) II A.P. Hyderabad-463.
3. The Audit Officer(DE)
O/o The Accountant General (Audit)II
A.P. Hyderabad-463.
4. The Resident Audit Officer, Telugu Ganga Project
Damgamitta, Nellore-3.
5. The Assistant Audit Officer,
O/o the Resident Audit Officer,
Telugu Ganga Project Srikalahasti, Chittor Dist.
6. One copy to Mr.G.Rama Rao, Advocate, HIG B-5, F-10
Baghlingampally, Hyderabad.
7. One copy to Mr.G.Parameswara Rao, SC for AG, CAT.Hyd.
8. One copy to Library, CAT.Hyd.
9. One spare copy.

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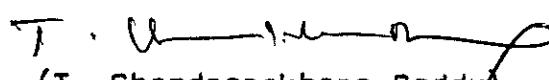
5. Mr. G. Parameshwara Rao, learned counsel for the respondents states that when in 1992-93 DPC was held for screening casual workers, the applicant was not eligible for such screening. The fact remains that thereafter the applicant acquired the required eligibility because of his continued service. Mr. Parameshwara Rao, states that if the applicant is not in service on the date when the next DPC was convened, he may not be considered for regularisation. On this aspect we would like to observe that - if the services of the applicant are disengaged for no fault of the applicant but for the reasons that there is no work, he should not be denied the benefit of consideration for regularisation merely on account of the fact that at the time of DPC the applicant may not be in service.

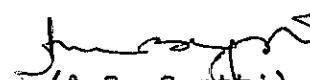
6. In the result we issue the following directions to the respondents :

- i) If there is work the applicant shall be reengaged as casual worker in preference to freshers; and
- ii) As and when the DPC is held for screening of the casual workers for regular absorption, the applicant's case will be considered keeping in view the length of service rendered by him as a casual worker irrespective of whether on the date of DPC the applicant is in actual service of the respondents.

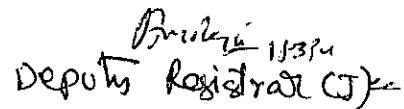
7. The OA is ordered as above. There shall be no orders as to costs.

8. In view of the order in the OA, MA.156/94 is disposed of without any further orders.


(T. Chandrasekhara Reddy)
Member (Judicial)


(A.B. Gorthi)
Member (Admn.)

Dated : March 11, 94
Dictated in the Open Court


Deputy Registrar (CJ)