

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.1396-06



DATE OF ORDER: -10th December, -1996

BETWEEN:

1. V.APPA RAO, S/o Appanna,
2. V.APPA RAO, S/o Satyam,
3. G.RAMULU, S/o Guruvulu.

.. APPLICANTS

AND

1. The Commanding Officer,
I.N.S. Kalinga, Uppada,
Bheemunipatnam, Visakhapatnam,
2. The Flag Officer, Commanding-in-Chief,
Headquarters, Eastern Naval Command,
Naval Base, Visakhapatnam,
3. The Chief of Naval Staff,
Naval Headquarters,
New Delhi.

.. Respondents

COUNSEL FOR THE APPLICANTS: SHRI M.KESHA RAO

COUNSEL FOR THE RESPONDENTS: SRI V.BHIMANNA, Addl.CGSC

CORAM:

HON'BLE SHRI R.RANGARAJAN, ADMINISTRATIVE MEMBER

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

JUDGEMENT

ORAL ORDER (PER HON'BLE SHRI B.S.JAI PARAMESHWAR,
JUDICIAL MEMBER)

Heard Mr.M.Keshava Rao, learned counsel for the applicants and Mr.V.Bhimanna, learned standing counsel for the respondents.

2. There are 3 applicants in this OA. They claim to have worked for more than three years between August 1990

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4. An interim order had been passed on 2.3.94 in M.A.No.163/94 in this OA 1396/93. It reads as follows:-

"Until further orders, the services of the applicants should not be dispensed with so long as there is work and the juniors are allowed to continue."

5. During the course of the hearing, the learned counsel for the respondents furnished Annexure R-1 to the reply affidavit. On going through the Annexure R-1, it is disclosed that the 1st applicant had worked only for 75 days in 1991, 49 days in 1992, thus in all for a period of 124 days. The 2nd applicant had worked only for a period of 29 days during the years 1987 to 1993. The 3rd applicant had worked only for a period of 69 days in 1991, 70 days in 1992, thus for a period period of 139 days between 1987 and 1993.

6. It is contended by the respondents that the applicants had not put in the required number ^{of days} of service as indicated by the Hon'ble Supreme Court in a case reported in AIR 1986 SC 584 (Surinder Singh v. Engineer in Chief, CPWD).

7. In view of the fact that the applicants are not employed by the INS Kalinga directly and ^{that} they are only employed through a contractual basis and that they were

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Labour, that the said description is not correct, that they were employed purely as narrick-rated labour^{ers} on daily wage basis for specific days and their wages were paid accordingly, that they were never employed as Cassual Laboury, that even the Casual Labour employed for a specific period under certain conditions, their services are liable to be terminated without any notice, that accoridngly the services of the applicants were terminated on completion of the specified period, that when fresh requirement arose, some individuals were employed afresh in view of their past experience and with a view to provide them some sort of employment against the State's requirements, that the applicants ^{can} ~~did~~ not have any right to claim for re-employment/continuous employment or regularisation since they were employed purely on casual basis for a specific period and their terms of employment under the local financial powers ceased with the expiry of the period for which the post is sanctioned, that they have no right for regularisation even though they were put in 240 days of service or more ^{number of} days, that the employment of the applicants in the Navy was not under Jawahar Rozgar Yojana, but under ^{the} departmental requirements, that the Applicant No.1 was employed under the narrick rate sanction by the Officer-in-Charge, MARCOS (East) and not by the Commanding Officer, INS Kalinga, that the termination arose only when there was no continuous or regular employment of persons, that none among the applicants had ever been worked continuously on regular basis and that they are not entitled to be regularised under R-1.

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- engaged only for a very few days as Casual Labour, no direction can be given in this connection unless full facts of this case are known. In that view, the applicants have to file a fresh representation within one month from today to the concerned respondent.

8. In the result, the following direction is given:-

The applicants, if so advised, should file a representation to the concerned authority within 30 days from today. If such a representation is received by the concerned authority within the stipulated period, that authority should dispose of the same in accordance with the rules within a period of three months from the date of receipt of that representation. Till such time the representation is disposed of, the interim orders as mentioned above, will continue.

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

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CERTIFIED TO BE TRUE COPY

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7-1-77
न्यायालय अधिकारी
COURT OFFICER
केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
हैदराबाद न्यायपीठ
HYDERABAD BENCH