

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

O.A. NO.1481/93

Date of Decision: 22.11.1996

BETWEEN

B. Ananda Mohan

.. Applicant

AND

1. Union of India, Rep. by its
Secretary, Ministry of Steel and Mines,
Department of Mines,
Shastri Bhavan, New Delhi.

2. The Director General,
4, Chowringhee lane,
Calcutta - 700 016

3. The Dy. Director General,
Geological Survey of India,
Offshore Mineral Exploration and
Marine Geology Wing, (OME & MG)
4, Chowringhee lane,
Calcutta - 700 016

4. The Director,
Geological Survey of India,
OME & MG Wing, East Coast Dvn,
Kirlampudi Layout,
Visakhapatnam -23.

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Counsel for the Applicant: M. V. Venkateswar Rao

Counsel for the respondents: Mr. N.R. Devaraj

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THE HON'BLE SHRI R. RANGARAJAN: MEMBER (ADMN.)

THE HON'BLE SHRI B.S. JAI PARAMESHWAR: MEMBER (JUDL.)

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JUDGEMENT

(Oral order, per Hon'ble Shri R. Rangarajan: Member (Admn.)

Heard Shri Anant Raj for Venkateswar Rao and
Sri NR Devaraj for the respondents.

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It is stated for the applicant that he had been engaged on contingent works and was attending to duties of Class-IV Group-D posts in the respondent's organization from the year 1985. He was stopped from duty with effect from 30.6.88 by the respondent. During the period 85 to 88 he was disengaged also intermittantly. Some similarly situated contingent workers approached the High Court of Andhra Pradesh by filing a writ petition No.2512/89 seeking the relief of their regularisation and payment of equal pay for equal work. That writ petition was disposed of directing the respondents to consider the cases of the petitioners along with other eligible candidates. The applicant now submits that those petitioners were taken to duty. The present petitioner is not a party in that writ petition. It is also stated that he had filed a representation in this connection Dated 2.1.93 to R-4 to take him back to duty as was done in case of others. It is stated that no reply has been given to his representation. The present application is filed praying for a direction to the respondents to re-engage him as contingent worker and consider his case for regularisation in suitable post with all consequential benefits such as seniority, promotion etc.

The respondents in their reply submit that the applicant had not been engaged on contingent basis for a continuous period against any Group-D post any time. He was engaged occasionally for a specified job and the nature of work was physical and manual and was not similar to the duties/work of any Group-D post. Therefore, the request of the said applicant for consideration against any post in Group-D service was denied. They also deny the regularisation of the writ ^{petitioners} petition on the file of Andhra Pradesh High Court. The applicant was discharged

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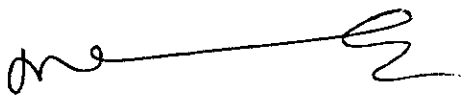
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way back in 1988. He approached this tribunal by filing this OA on 25.11.93, after a lapse of over 5 years. Hence the present application cannot be allowed as it is time barred. It is for the department to decide in regard to engaging a casual labour on the basis of work load. If there is no work then the tribunal cannot force the department to engage casual labour and pay. We do not find any necessity of passing any order in this O.A.

The OA is dismissed. However the applicant has is at liberty to approach the department for re-engaging him. No costs.


(B.S. JAI PARAMESHWAR)
MEMBER (JUDL.)

22.11.96


(R. RANGARAJAN)
MEMBER (ADMN.)

Date: 22ND NOVEMBER 1996
Dictated in the open court

Authorised
10/11/96
By Registrar (S)

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KSM

(21)

9/23/24

1481/4

TYPED BY

CHECKED BY

COMPILED 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. JAI PARAMESHWAR:
M(J)

DATED:

22/11/96

~~ORDER/JUDGEMENT~~

~~R.A./C.P./M.A.No.~~

O.A.No.

1481/93

~~ADMITTED AND INTERIM DIRECTIONS ISSUED
ALL WED~~

~~DISPOSED OF WITH DIRECTIONS~~

~~DISMISSED~~

~~DISMISSED AS WITHDRAWN~~

~~ORDERED/REJECTED~~

~~NO ORDER AS TO COSTS.~~

II COURT

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