

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD.

O.A.No.1524/93.

Date of Judgement : 20-6-93

1. B.Salamma
2. B.Swamy
3. A.Bikshapathi
- ✓ 4. P.Pentaiah
5. W.Maniamma
6. S.Santha

.. Applicants

Vs.

1. Addl. Surveyor General,  
Survey Training Institute,  
Survey of India, Uppal,  
Hyderabad-500039.
2. Superintending Surveyor,  
Incharge, No.16 Party, (STI),  
Hyderabad-500039.
3. The Surveyor General of India,  
Dehradun.
5. K.Chandrasekhar
6. A.Narsimha
7. Pandi Ramulu
8. M.Jangaiah
10. S.P.Kumar

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Counsel for the Applicants :: Shri B.S.A.Swamy

Counsel for the Respondents :: Shri N.R.Devaraj, Sr. CGSC

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Hon'ble Shri A.B.Gorthi : Member (A)

Hon'ble Shri .....

Judgement

X As per Hon'ble Shri A.B.Gorthi : Member (A) I

The Applicants were engaged as casual mazdoors under Respondent No.1 sometime in 1973. They continued to work as such on meagre daily wages till their services were terminated who were junior to the applicants who were appointed as contingent khalasis vide Order No.5 dt. 11.3.91. The claim of the

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5. Admittedly, the Applicants worked as casual mazdoors with Respondents No.1 and 2, for a considerably long period of about 17 years. For this singular reason, the Applicants are entitled to be re-engaged immediately if there is work and if juniors to them are still retained as casual mazdoors.

As regards the Respondents contention that the Applicants

the same, except perhaps in the case of Applicant No.4

(P.Pentaiah).

6. Keeping in view the rules for recruitment to the khalasis, the official Respondents cannot be said to have committed any impropriety

as contingent khalasis. The Applicants' contention that the appointment of Respondents No.4 to 10 be set aside is without merit and is rejected.

7. The age limit specified in the relevant rules is

"At the time of recruitment to the regular establishment candidates must be between 18 and 30 years of age. A contingent Khalasi may be transferred to the regular establishment in his turn whenever a vacancy occurs for him in the regular establishment at an age below 30 years due to the contingent service every year in the field or in the contingent establishment thereafter. If, however, any break occurs in the contingency paid service of a Group 'D' employee due to reasons beyond his control or due to no fault of his, the same purpose of appointing him to the regular establishment for the In exceptional cases, candidates in excess of this age limit may be transferred to the regular establishment with the approval of the Surveyor General. Such cases should, however, be rare."

8. ....  
contingent mazdoors Khalasis. The fact, however, remains that if a contingent Khalasi is above 30 years at the time of his appointment, he will not be eligible for regular absorption. ....  
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4. The main thrust of the elaborate arguments advanced by Shri B.S.A. Swamy is that the Applicants having worked with some continuity for about 17 years could not have been thrown out of job so suddenly and arbitrarily, when some other casual workers, that too juniors to the Applicants, could be appointed as contingent khalasis on monthly pay.

5. Survey of India engages besides regular Group 'D' staff, contingent khalasis, contingent workers and casual mazdoors. The former two categories receive fixed monthly remuneration whereas the latter is paid daily wage at market rate or as fixed by the Labour Commissioner. There are provisions for recruitment of casual mazdoors as contingent khalasis and for transfer of contingent khalasis to the regular establishment as Group 'D' employees, in their turn whenever vacancies occur in the regular establishments provided that the contingent workers are recruited to the contingent establishment. It is the official Respondents that it was on account of the rule position that only such casual mazdoors who were less than 30 years, were considered for appointment as contingent khalasis. The Applicants were all above the age limit specified and hence were not considered for appointment as contingent khalasis whereas the unofficial Respondents No. 4 to 6 were those who were below 30 years and were duly selected for appointment as contingent khalasis. It is further contended that in any case, the Applicants left work on their own and hence cannot complain that their services were 'terminated'.

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(10)

Surveyor General of India. That by itself should not be a sufficient reason to deny the casual mazdoors the benefit of appointment as contingent Khalasis, in which post they would become eligible for certain extra benefits like a fixed monthly rate of pay and dearness allowance.

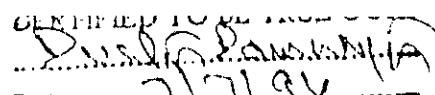
9. In view of the circumstances of the case and the rule position as stated above, the case of the applicants deserves to be reconsidered by the respondents. We, therefore, dispose of the O.A. with the following directions to the respondents:-

(1) The applicants will be taken back to work as casual

(2) As regards P.Pentaiah (Applicant No.4), he will be taken back only if, on his request, the break in his

(3) Their case for appointment as contingent Khalasis will be considered in accordance with their length of service and keeping in view the ----

10. The O.A. is ordered accordingly. No costs.

RECORDED TO THE COURT  
  
Date..... 17/1/84.....  
Court Officer  
Central Administrative Tribunal  
Hyderabad

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Copy to:  
1. Survey of India, Uppal, Hyderabad Training Institute,  
2. The Superintending Surveyor, Incharge, No.16 Party (S11)  
Survey of India, Uppal Hyderabad - 500 089.  
3. The Surveyor General Of India, Dehradun.  
4. The copy to Mr. B.S.A. Swamy, Advocate, Anandanilayam,  
Plot No.41, SRK Nagar, Golkonda X Roads, Hyderabad-48.  
5. One copy to Library, C.A.S.Y.O.G.G.E.C.T Hyderabad.  
6. One spare copy.

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