

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.437/93

Date of Order: 6.1.97

BETWEEN :

1. Md.Moulana Shariff
2. B.VijayaBhaskara Raju
3. Md.Ibrahīm
4. T.Satyanarayana Murthy
5. G.Appanna
6. S.Venkanna

AND

1. The Supdt. Telegraph Traffic Division,
Rajahmundry - 533 104, EG Dist., A.P.
2. The Director Telegraph Traffic, A.P.
Telecommunications, Centre, Hyderabad-1.
3. The Chief General Manager, A.P.Telecom,
Circle, Sanchar Bhavan, Nampally
Station Road, Hyderabad-1.
4. The Director General, Dept. of
Telecom, New Delhi.
5. Union of India. Rep. by its Secretary.
Ministry of Communication, New Delhi.
6. The Supdt. of Post Offices,
Rajahmundry, E.G.Dist. A.P.
7. The Supdt. of Post Offices,
Kakinada, E.G. Dist. A.P.

.. Respondents.

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Counsel for the Applicants

.. Mr.Krishna Devan

Counsel for the Respondents

.. Mr.N.R.Devraj

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CORAM:

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

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

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J U D G E M E N T

X Oral order as per Hon'bde Shri R.Rangarajan, Member (Admn.) X

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None for the applicant. Heard Mr. W. Satyanarayana for Mr. N. R. Devraj, learned standing counsel for the respondents.

2. There are seven applicants in this OA. It is stated that they were initially recruited as ED Messengers in the Post Offices as given in page-3 of the OA under Respondents 6&7. When the Telecom and Postal departments ^{were} ~~are~~ bifurcated the applicants were allowed to continue in the Postal Department as Messengers. Subsequently the Telecom centre ^{were} ~~was~~ ^{and} opened the applicants were taken on deputation subject to the condition that they ^{would} ~~will~~ be repatriated back to Postal Department. They are still continuing ~~their~~ in the Telecom Department.

3. It is stated that the applicants were informed that they should go back to the Postal Department and declaration ^{was} ~~also~~ taken from the applicants that they will go back to the ~~Telecom~~ ^{Postal} ~~Centre~~ ^{Joint} when the Telecom Centre is fully manned by the Telecom officials. It is now stated that the Messengers are going to be replaced by the surplus Group-D staff or casual labourers on the roll of Telecom Department. Hence the applicants ^{are being} ~~were~~ sent back to the Postal Department. However the Postal Department is not in a position to receive them. By the letter No. B2/10-4/Dlgs, dt. 24.2.93 (A-15) it was informed that alternate arrangement is being made to replace the applicant ^{and} E.D. Messenger working at the Telecom Centre will be relieved by the First week of March 1993 and therefore the concerned Post Office is requested to make arrangement ^{to absorb them} in the Postal Wing.

4. Aggrieved by the above the impugned order, this OA is filed praying for a direction to the respondents to absorb them in the vacancies for the post of Telegraph Messengers in the office they are working by holding that the impugned ~~order~~ proceedings are illegal being violative of Articles 14 and 16 read with 311 of the Constitution of India, and with the consequential direction to regularise their services in the

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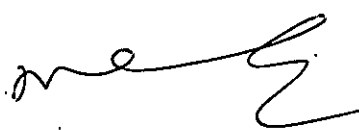
Telecom Wing.

5. The learned counsel for the respondents submitted that they are not repatriated still from the Telecom Centre. They are still working in the Telecom Centre. The only reason for repatriating them is to fill up those vacancies either from the regular or casual employee of the Telecom Department. (C)

6. In view of the above the only direction that can be given in this OA is to relieve the applicants herein only when the Postal Department is prepared to receive them and accomodate them in the Postal Wing. Till such time no requisition ^{to the efft. done effect} is received from the ~~Postal Dept.~~ ^{Postal Dept.} The applicant should be continued in the present capacity under the Telecom Wing. Their regularisation in the Postal Wing will ~~be~~ depend upon the rules in the Postal Wing on their absorption in the Postal Wing in their turn.

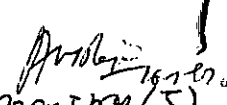
7. The OA is ordered accordingly. No costs.


(B.S. JAI PARAMESHWAR)
Member (Judl.)


(R. RANGARAJAN)
Member (Admn.)

Dated: 6th January, 1997

(Dictated in Open Court)


Dy. Registrar (S)

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Copy to:-

1. The Supdt Telegraph Traffic Division, Rajahmundry.
2. The Director Telegraph Traffic, A.P.Telecommunications, Centre, Hyd.
3. The Chief General Manager, A.P.Telecom, Circle, Sanchar Bhavan, Nampally station road, Hyd.
4. The Director General, Dept. of Telecom, New Delhi.
5. The Director General, Dept. of Telecom, New Delhi.
6. The Supdt of Post Offices, Rajahmundry, EGD.T.
7. The Supdt of Post offices, Kakinada, EGD.T.
8. One copy to Sri. Krishna Devan, advocate, CAT, Hyd.
9. One copy to Sri. N.R.Devaraj, Sr. CGSC, CAT, Hyd.
10. One spare copy.

Rsm/-

(37)
TYPED BY
COMPARED BY

27/1/97
CHECKED 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: 6/1/97

~~Order/Judgement~~
~~R.P.C.P/M.A.NO.~~

in

O.A.NO.

437/93

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS.

II COURT

YLKR

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
दिल्ली
27 JAN 1997
HYDERABAD BENCH