

36

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

O.A.NO. 799/94

Date of Order: 25-1-96

Between:

R.Venkata Ramana.

.. Applicant

and

1. The Flag Officer, Commanding-in-Chief,
Eastern Naval Command,
Mukhyalaya (for CAPO)
Poorv Nausena Kaman,
Nausena Base, Visakhapatnam.
2. The Flag Officer, Commanding,
Fleet Office, Eastern Fleet,
Visakhapatnam.

Respondents.

For the Applicant :- Mr. N.Rammohan Rao, Advocate

For the Respondents: Mr. N.R.Devraj,
Sr./Add.CGSC

CORAM:

THE HON'BLE MR.JUSTICE V.NEELADRI RAO : VICE-CHAIRMAN

THE HON'BLE MR.RARANGARAJAN : MEMBER(ADMN)

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- 2 -

DA 799/94.

Dt. of Order: 25-1-96.

(Order passed by Hon'ble Shri R. Rangarajan,
Member (A)).

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The applicant was engaged as a Casual Labour under Respondent No.2 from 27-11-92 with intermitent breaks in between. He was dis-engaged from 17-6-94. It is stated for the applicant that Respondent No.2 has recommended to Respondent No.1 for continuing him in service as a Casual Labour as there is a need to engage Casual Labour. However by the impugned order dt.31-5-94 (Annexure A-1) has regretted the proposal and stated that sanction for the Casual Labour will be considered in mid June, 1994, for clearing some of the likely wild growth by a daily wage person afresh. It is not known whether any daily wage person was engaged from mid June, 1994, as stated in Annexure A-1 letter. The applicant was not engaged after his discharge in 1994.

2. This O.A. is filed for setting aside the impugned order dt.31-5-94 holding it as arbitrary, illegal and unjust and for a consequential direction to the Respondents to continue the applicant as un-skilled labourer till such time his services are regularised.

3. An interim order dt.27-5-1995 was issued directing the Respondents "that if any person with less length of casual service is being engaged, the applicant also should be engaged"

4. This is a case where the retrenchment of the applicant

who is a casual labourer under Respondent No.2 is questioned especially when there is likely hood of some job being offered to the applicant as a Casual Labour. The Respondent No.1 in his letter dt.31-5-94 had indicated that there may be some work from mid June, 1994, for clearing some of the wild growth by engaging daily wage person. But in our interim order dt.25-7-95, a direction was given to the respondents to re-engage the applicant if there is work in preference to ^{the Casual Labourer with} the less length of service or freshers from the open market. In our opinion the interim order itself can be made final as the applicant has to be engaged if there is work in future and the respondents cannot engage other casual labour who has less length of casual service and freshers from the open market.

5. But in order to emphasis the above fact ~~that another~~ ^{on the again} a direction to the Respondents to re-engage him in future as per his turn in preference to freshers and Casual Labourers with less length of service is sufficient to meet the ends of justice. The Respondents should also consider his case for regularisation in his turn.

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

"The applicant should be considered for engagement as a Casual Labour in future if there is work in preference to freshers and other Casual Labourers who had less length of service compared to the applicant. In any case if the applicant is going to be engaged now, Casual Labourer who are already in service should not be retrenched. The case of the applicant ^{for} bringing him

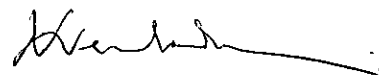
on Temporary Status and regularisation should be considered as per his turn."

7. The Original Application is ordered accordingly.

No costs.



(R. RANGARAJAN)
Member (A)



(V. NEELADRI RAO)
Vice-Chairman

Dated: 25th January, 1996.
Dictated in Open Court.


30/1/96
Deputy Registrar (J) CC

avl/

To

1. The Flag Officer Commanding-in-Chief,
Eastern Naval Command,
Mukhyalaya (for CAPO) Poorve Nausena Kaman,
Nausena Base, Visakhapatnam.
2. The Flag Officer, Commanding Fleet Office,
Eastern Fleet, Visakhapatnam.
3. One copy to Mr. N. Rammohan Rao, Advocate, CAT. Hyd.
4. One copy to Mr. N. R. Devraj, Sr. OGSC, CAT. Hyd.
5. One copy to Library, CAT. Hyd.
6. One spare copy.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO
VICE CHAIRMAN

AND

THE HON'BLE MR. R. RANGARAJAN : M(A)

Dated: 25-1-1996

ORDER/JUDGMENT

M.A./R.A./C.A.No.

in

O.A.No.

799/94

T.A.No.

(w.p.No.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Ordered/Rejected.

No order as to costs.

No spare copy

