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Annexure C

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

\* 17 SEP 1997 AT HYDERABAD

O.A. No. 982/97

Date of Order: 27.8.97

BETWEEN :

1. G.Chitti Babu
2. V.Chakradar Kumar
3. A.Amarnadha Rao
4. T.Leela Prakash

.. Applicants

AND

1. The Asst. Superintendent, Tele Traffic, Dept. of Telegraph Office, Chittoor.
2. The Subdt. Tele Traffic, Nellore Division, Nellore.
3. The Director, Tele Traffic, AP Circle, Vasant Vihar Building, Abids, Hyderabad.
4. The Chief General Manager, AP Circle, Door Sanchar Bhavan, Nampally Road, Hyderabad.

.. Respondents.

Counsel for the Applicants

.. Mr. Krishna Devan

Counsel for the Respondents

.. Mr. N.V.Raghava Reddy

CORAM:

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

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

JUDGEMENT

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

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Mr. Krishna Devan, learned counsel for the applicants and Mr. N.V.Raghava Reddy, learned standing counsel for the respondents.

2. There are four applicants in this OA. The applicants 1 and 4 were reported to have been engaged as Part-time Casual labourers on 1.12.87 and 11.4.87 respectively. The applicants

2 and 3 had joined later than 22.6.88. Hence their cases are not covered by the instructions in this connection. The learned counsel for the applicants submitted that he will take up their cases separately. Hence the OA is restricted only to <sup>the</sup> applicants 1 and 4.

2. It is stated that the applicants were appointed as Test-category Group-D official subject to certain conditions by order No. E/Gr.D/Rectt/94-95/29, dt. 27.1.95 (A-1) (Page-4 to the MA.163/95) The opening paragraph of the letter dt. 27.1.95 is very crucial to this case. The relevant para is reproduced below :-

" On being recommended successful in the written and oral test held on 19.1.95 and 20.1.95 by the D.P.C., the following departmental Part-time/ Casual Mazdoors officials are ordered to report to the officer named against their names positively on 1.2.95 at 10.00 hours for on job training for one week and subsequent appointment as test-category Group-D officials subject to the following conditions".

3. As per that letter applicants 1 and 4 were reportedly sent for training and subsequently they were to be absorbed. The posting order for applicants 1 and 4 <sup>was</sup> issued by order No. E/Gr-D/RECTT/94-95/32, dt. 2.2.95 (A-2, page-6 to the MA.163/95). By the telegraphic message <sup>dt. 27.1.95</sup> the posting of applicants 1 and 4 was stopped until further orders. It is stated that the telegraphic message was issued in view of the oral instructions of D.G.M. (DS) Hyderabad.

4. Aggrieved by the above, this OA has been filed praying for a direction to the respondents for grant of temporary status as Group-D from the date of completion of 240 days and absorption in Group-D post in the existing vacancies by setting aside the order passed by R-4 No.TA/TS-UNION/14-2/94/16, dt. 27.4.94 (B-5 to OA

5. A reply has been filed in this OA, though very belatedly. A copy of that reply was handed over by the learned counsel for the respondents today when the case was listed for hearing. The main contention of the respondents in this OA is that applicants 1 & 4 are contract labourers and hence they cannot be treated as departmental candidates for regular absorption in Group-D post. Further they were part-time casual labourers and hence their absorption is not governed by any rule.

6. If the applicants 1 and 4 ~~are~~ <sup>were</sup> contract labourers it is not understood why they were called for written and oral test, held on 19.1.95 and 20.1.95 by the D.P.C. as per A-1 to the MA.163/95. The relevant paragraph has been extracted above. The very fact that they <sup>were</sup> ~~are~~ called for the written and oral test and their names were also included in the select list and sent for training and subsequently posted as Group-D officials the contentions made now are not borne <sup>out</sup> by any proper record. Even presuming that they <sup>were</sup> ~~are~~ contract labourers then when the telegram dt. 7.2.95 was issued a mention could have been made in the telegram to the effect that the recruitment of applicants who were contract labourers were made by mistake and hence inclusion of their names in the select list <sup>were</sup> ~~is~~ to be deleted. But no such remark has been made in that telegram. Hence even after selection is over the respondents have not checked the correctness of the status in regard to applicants 1 and 4. Even in the reply no proof by way of record is shown for

Review Petitions

In the CAT HYD Bench  
HYD

RANO of 97

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REVIEW PETITION

Received  
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25/11/97

N.V. Raghava Reddy  
Advocate

May 4 & 5  
27/11/97