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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL-APPLICATION-NO.983-OF-1994

DATE-OF-ORDER:--18th-August,-1997

BETWEEN:

MANDA SRINIVASA RAO

.. APPLICANT

AND

1. The Secretary to Govt. of India,
Ministry of Communications, New Delhi-1,
2. The Director General, Telecom,
20, Ashoka Road, New Delhi-1,
3. The Chief General Manager, Telecom,
Andhra Pradesh, Hyderabad-1,
4. The Superintendent,
Telegraph Traffic Division,
Rajahmundry 533104,
5. The Telegraph Master Incharge,
Telegraph Office,
Palakollu-534260.

.. RESPONDENTS

COUNSEL FOR THE APPLICANT: Mr. URS GURUPADAM

COUNSEL FOR THE RESPONDENTS: Mr. NR DEVARAJ, Sr.CGSC

CORAM:

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

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

ORDER

ORAL ORDER (PER HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.))

Heard Mr. URS Gurupadam, learned counsel for the applicant and Mr. N.R. Devaraj, learned standing counsel for the respondents.

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2. The applicant in this OA is a part-time Sweeper-cum-Waterman working for 4 hours per day. The applicant applied for recruitment of Group-D post in response to the notification No. Est/22/94-95 dated 30.7.94 (Annexure I to the OA). In the item No.3 of that notification, it is stated that, "Full time/Part time workers recruited after 30.3.1985 and were ordered for consideration for absorption as per CAT judgement in Rajahmundry TT Division will be considered for selection" in the order given in that letter. The applicant submits that he is a part-time worker recruited after 30.3.85 and is also placed similar to the applicants in OA 435/90 and 438/90 decided on 2.12.1992. He further submits that he is similarly placed as the applicants in the OAs referred to above. Hence the direction given in those OAs should be followed in his case also.

3. This OA is filed praying for striking down the notification dated 30.7.94 (Annexure I to the OA) as it hits Article 14 and 16 of the Constitution of India.

4. When we brought to the notice of the applicant that the prayer in this OA if given, Annexure I letter may have to be set-aside in which case he cannot get the relief as indicated above, after considering the facts, the applicant submits that he is not insisting to set-aside the notification dated 30.7.94 but only requests for granting him the relief as was given to the applicants in the OAs referred to above.

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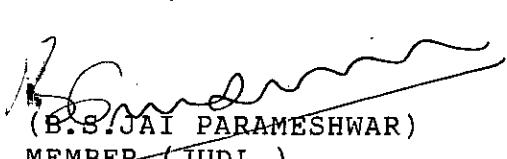
5. The learned standing counsel for the respondents submitted that he has no objection if the relief as given in OAs 435/90 and 438/90 is granted to the applicant herein also.

6. In view of the above submission of both the sides, we follow the direction given in the above referred OAs and direct as follows:-

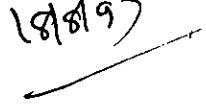
We direct the respondents to consider the case of the applicant for absorption in Group-D in accordance with rules from the date the post became/becomes available provided the applicant had continuously completed more than one year of service in the Department of the respondents and further to protect the seniority of the applicant after such absorption, in accordance with law.

7. We make it clear that in case the notification dated 30.7.94 is cancelled, then the applicant is not entitled for the relief as given above. However, he is at liberty to challenge that cancellation, if so advised.

8. The OA is ordered accordingly. No order as to costs.


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


(R.RANGARAJAN)
MEMBER (ADMN.)


DATE:- 18th August, 1997
Dictated in the open court.

vsn


D.R.J.

self tax (2)

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

THE HON'BLE SHRI R.R. GARGAON : M (S)

AND

THE HON'BLE SHRI B.G. JAI PRAMDESH J.R.
(M) (S)

Dated: 18-8-97

ORDER/JUDGEMENT

N.R.A./C.A. NO.

in
C.A. NO. 983/94

Admitted and Interim Directions
Issued.

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default

Ordered/Rejected

No order as to costs.

YLKR

II Court

