

(V)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

OA.190/94 to 197/94
(Eight cases)

Date of decision : 25-2-94

Between

| | | |
|------------------|-------------|----------------|
| 1. K. Swamy | (OA.190/94) | Applicant. |
| 2. N. Vishnu | (OA.191/94) | " " |
| 3. M. Bhaskar | (OA.192/94) | " " |
| 4. B. Dayanand | (OA.193/94) | " " |
| 5. M. Rami Reddy | (OA.194/94) | " " |
| 6. M. Narasimha | (OA.195/94) | " " |
| 7. G. Yadaiah | (OA.196/94) | and |
| 8. E. Yadaiah | (OA.197/94) | " : Applicants |

and

1. Union of India, rep. by
The Secretary
Ministry of Defence
New Delhi 110 001

2. Officer-in-charge
Air Force Academy
Hyderabad 500 043

: Respondents in all the
cases.

Counsel for the applicants
in all the eight cases

: Sri T. Jayant
Advocate

Counsel for the respondents
in all the eight cases

: Sri N.R. Devaraj,
SC for Central Govt.

CORAM

HON. MR. JUSTICE V. NEELADRI RAO, VICE CHAIRMAN

HON. MR. R. RANGARAJAN, MEMBER (ADMINISTRATION)

18/3/94
7

OA 190/94 to OA 197/94

Judgement dated 25.2.94.

I AS PER JUSTICE SHRI V. NEELADRI RAO, VICE-
CHAIRMAN I

Heard Shri T.V.V.S. Murthy, learned counsel for the applicants and Shri N.R. Devaraj, learned Sr. Standing counsel for the respondents.

2. Respondent 2 issues a requisition to the Employment Exchange for sponsoring the names for engaging as Anti Malaria luscars from 1st June to 30th November ^{each year}. The applicants were sponsored by the Employment Exchange and they were engaged as Anti Malaria luscars for some years. These OAs were filed praying for absorption as regular Gr. D employees by giving priority in consideration of their services as seasonal Anti Malaria luscars, in terms of Special Army order SAO-8/5/76 xxxxx of Adjutant General Branch.

3. It is manifest from SAO-8/5/76 of A.G.B. that it is not applicalble in regard to the seasonal employees and it is intended for deployment of surplus staff in one unit to another unit.

4. During the course of hearing of these OAs we enquired as to whether any seniority list is maintained in regard to the Anti Malaria luscars engaged for six months in each year. It is submitted that no such list is maintained.

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5. After considering all the circumstances and hearing both the sides, we felt that as it is a case of engaging weaker sections and that too for six months in each year, it will be just and proper to give the following directions by keeping in view the suitability of the employee for the post and the nature of the duties which they have to render:

(1) Respondent 2 has to prepare the seniority list of those who are engaged as Anti malaria Luscards but not yet crossed 40 years. The names of those employees can be deleted from the list on crossing 40 years on 1st January.

(2) Respondent 2 has to offer the post of Anti malaria luscar for engagement for six months by addressing letters to those who are in the seniority list by 2nd week of April each year and those who are interested in working have to report before the concerned authority on the dates specified for considering the medical fitness and good conduct. The names of those who are not found to be of good conduct can be deleted from the seniority list by making a note in the confidential book as to why such candidate is not found to be of good conduct so that it can be produced before the Tribunal/Court if the denial of appointment is challenged.

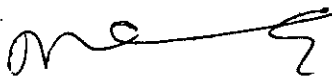
6. We feel that by following the above directions, the necessity of issuing the requisition to the Employment Exchange each year may not arise and such employees may be knowing as to whether they will be called for such appointment if they are interested. We also make it clear that

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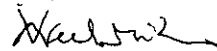
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on the basis of the preparation of the seniority list and in view of the directions referred to, such seasonal employees cannot claim a right for regularisation. Of course, this order does not deprive them from making a representation to the concerned authority for regularisation and then it is for the concerned authorities to decide as to whether it is a case where any scheme has to be formulated for regularisation.

7. The OAs are ordered accordingly. No costs.



(R. RANGARAJAN)
Member (Admn.)



(V. NEELADRI RAO)
Vice-Chairman

Open court dictation

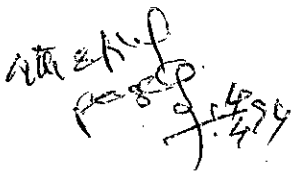
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Deputy Registrar (J)

To

1. The Secretary, Union of India,
Ministry of Defence, New Delhi-1.
2. The Officer-in-Charge,
Air Force Academy, Hyderabad-43.
3. One copy to Mr. T. Jayant, Advocate, CAT. Hyd.
4. One copy to Mr. N. R. Devraj, Sr. CGSC. 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. A. B. GORTHI : MEMBER (AD)

AND

THE HON'BLE MR. T. CHANDRASEKHAR REDDY
MEMBER (JUDL)

AND

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

Dated: 25-2 -1994

~~ORDER~~ JUDGMENT

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

in

O.A.No.

190/94 to 197/94.

T.A.No.

(w.p.)

Admitted and Interim Directions
Issued.

Allowed

Disposed of with directions

Dismissed.

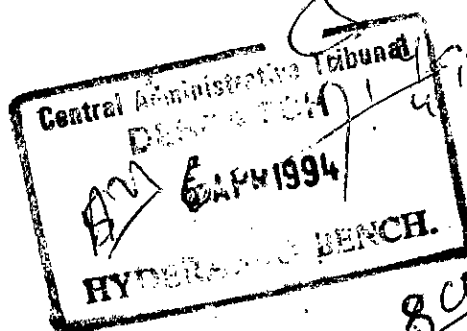
Dismissed as withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs.

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