

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No. 1142/94

Date of Order: 9.7.97

BETWEEN:

K. Srinivasa Rao

.. Applicant.

AND

1. Commanding officer,
INS Sathavahana, Naval Base,
Visakhapatnam.
2. Officer-in-charge,
ENC Sailors Institute, Naval Base,
Visakhapatnam.
3. The Flag Officer, Commanding in Chief,
East Naval Command, Naval Base,
Visakhapatnam.

.. Respondents.

- - -

Counsel for the Applicant

.. Mr. S.Kishore

Counsel for the Respondents

.. Mr. K.Bhaskara Rao

- - -

CORAM:

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

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

- - -

J U D G E M E N T

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

- - -

None for the applicant. Mr. K.Bhaskara Rao, learned
standing counsel for the ^{respondents} applicant. The learned counsel for
the applicant was not present even at the time of last hearing.
This OA was instituted in the year 1994, hence we are disposing of
the case under Rule 15 (1) of CAT Procedural Rules.

2. The applicant in this OA was engaged as a narricated
casual labourer by proceedings in Memo No. 52/88, dt. 7.11.88
by R-1. Later he was send^t in the came capacity to R-2 institute
in the month of December 1992 on deputation. When the applicant
requested for repatriating him back to service of R-1 as Amonia

.. 2 ..

it was agreed to
Operator. The services of the applicant were terminated in the Month of April 1994. The applicant submits that his services were terminated even though he ^{had} ~~was~~ put in more than 6½ years service and that termination ^{was} ~~has~~ also ^{effected} without assigning any reasons. He further pleads that he was eligible for regularisation due to his long service in the respondents organisation.

3. This OA is filed praying for a direction to the respondents to regularise his service from the date he became eligible and for consequential reliefs.

4. No reply has been filed in this OA, though the OA was filed in the year 1994.

5. In view of the above we are left with no other alternate ^{ive} ~~ive~~ except to dispose of the case on the basis of the facts available on record.

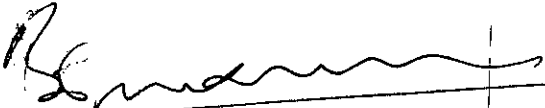
6. The applicant submits that he had put in more than 6½ years of service as narricated casual labourer. The applicant cannot demand regularisation as a matter of right unless he is ^{eligible} ~~ent~~ for it ^{as per rule} and fulfils the other conditions of regularisation. Further the regularisation arises only when he is in service. As the ^s ~~s~~ervice of the applicant ^{had} ~~had~~ already been terminated he can ask for regularisation only when he is re-engaged.


7. In view of the above, the following direction is given:-

The case of the applicant for re-engagement as casual labourer under R-1 should be considered if there is work and need to engage casual labourers in preference to freshers from the open market in future. If he is engaged his case for regularisation should be considered in accordance with the rules.

R 

8. The OA is ordered accordingly. No costs.


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

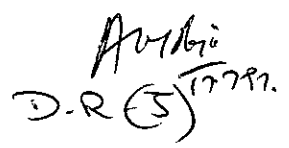

(R. RANGARAJAN)
Member (Adm.)

9.7.97

Dated: 9th July, 1997

(Dictated in Open Court)

sd


D.R. (S) 17781

28/6/97
29/7/97

(R)

TYPED BY
CORRECTED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

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

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR: M
(J)

DATED: 9/7/97

ORDER/JUDGEMENT

M.A./R.A/C.A. NO.

In

D.A. NO. 1142/94

Admitted and Transmission directions
Issued.

Allowed

Disposed of with directions,

Dismissed

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

No order as to costs.

YLKR

TI Court.

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
DESPATCH
28 JUL 1997
हैदराबाद न्यायपीठ
HYDERABAD BENCH