

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

O.A.1180/94

Date of decision: 15-10-1997

Between:

1. N.V.Satyanarayana
2. M. Peddi Reddy
3. U.V.V.Satyanarayana
4. N. Ramakrishna Rao
5. B. Nagarjuna Rao
6. Md. Tajuddin Khan
7. M. Rajeswara Rao
8. Y. Suryachandra Rao
9. V. Satyanarayana

.. Applicants

-versus-

1. The Superintendent
Telegraph Traffic Division,
Rajahmundry - 533 104.
2. The Asstt.Superintendent,TT
Tanaku 534 211.
3. The Director,TT % the CGMT
AP, Hyderabad-500 001
4. The Sr.Superintendent of POs,
Amalapuram - 533 201.
5. The Sub-Divisional Inspector
Postal, Razole 533 242.
6. The Sr.Superintendent of POs,
Eluru. 534 001.
7. The Superintendent of POs,
Tadepalligudem-534 101
8. The Superintendent of POs,
Rajahmundry - 533 102.
9. The Chief General Manager,
Telecommunications, AP
Hyderabad - 500 001.
- 10.The Chief Postmaster General,
AP Circle, Hyderabad 500 001.
- 11.The Director General,Telecom
(representing UOI Sanchar Bhavan,
New Delhi - 110 001.
- 12.The Director-General,Posts
(representing UOI,)Dak Bhavan,
New Delhi - 110 001.

.. Respondents.

Counsel for the applicant : Mr.C. Suryanarayana
Counsel for the respondents : Mr.N.R. Deva Raj

Coram:

Hon'ble Shri H. Rajendra Prasad, Member(A)
Hon'ble Shri B.S. Jai Parameswarar, Member(J)

O.A.1180/94

Date: 15-10-1997

JUDGEMENT

(per Hon'ble Shri B.S. Jai Parameshwar, M(J)

learned Counsel

Heard Mr. C. Suryanarayana_A for the applicants

learned S.C.

and Mr. N.R. Deva Raj_A for the respondents.

2. There are nine applicants in this OA.

They were working as ED Telegraph Messengers

in the erstwhile ~~Postal~~ Department of P & T.

After bifurcation of the said department into

Department of Post and Department of Telecommuni-

cations the post of ED Telegraph Messengers *in the Postal wing*

became surplus and were deputed to work on Telecom

Centres on deputation basis and purely temporary.

They were made clear that they would be repatriated

to Postal department.

3. On 30-7-1994 the Supdt. Tele Traffic

Division, Rajahmundry invited applications to

fill up certain Group 'D' Telegraphmen vacancies

in Rajahmundry TT Division.

4. The applicants relying upon the Rule 527

of the P & T Manual Vol.IV and relying upon the

orders of DG P&T dt. 11-8-1975 and the order of

DG P&T No. 269/142/75-STB dt. 20-2-1976 filed this

OA to declare that they are entitled to be absorbed

in the Group 'D' Telegraphmen vacancies of the

Telecom Centres concerned without going through

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the process of selection as per the notification dt. 30-7-1994 and accordingly to direct respondents to absorb them as Group 'D' Telegraphmen in which they are now employed as ED Telegraph Messengers on deputation basis.

5. The respondents though not filed a separate counter in this OA, the learned counsel for the respondents relied upon the counter filed by them in the O.A. 1335/94. In the said OA they specifically contended that the applicant in that OA was working purely temporary on deputation basis and there was no corresponding post of ED Telegraph Messengers in the Telecom Centre and that he cannot be accommodated in the Telecommunication wing. The main contention of the respondents in the OA is that the applicants are working on deputation basis and their parent department is Postal department and that they cannot claim absorption in the Telecommunication department as of right.

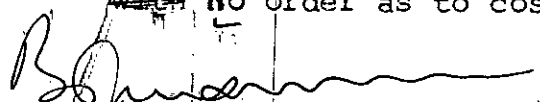
6. On 28-9-1994 this Tribunal passed an interim order to the effect that applicants should not be repatriated to Postal Department until further orders. Thus they have been continuing in the Telecom Centres.

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7. From the material placed on record it is seen that applicants are working in the Telecommunication department only on deputation basis ~~and working on deputation basis~~ They cannot claim absorption in the Telecom department as of right. When the Postal department calls them back to service in their department or when the Telecommunication department repatriates them to their parent department there is no ^{alternative to the} option applicants, but to join Postal wing. Therefore they cannot claim for absorption in the telecommunication department. It is further stated that posts corresponding to ED Telegraph Messengers is not available in the Telecommunication department and that the post in which the applicants are working is not available in the department of Telegraphmen.

8. The Postal Department must consider to take the applicants back in their department against the vacancies arising immediately hereafter. When the Postal department calls back the services of the applicants they should report to the Postal Department. Till the Postal department calls back the applicants the interim order dt. 28-9-94 shall be in force.

9. With the above observation the OA is disposed of. No order as to costs.



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


(H. RAJENDRA PRASAD)
Member (A)

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MD

Dated: 15th October, 1997
Dictated in the open court


Deputy Registrar

24/10/97

I Court.

TYPED BY:

CHECKED BY:

COMPARED BY:

APPROVED BY:

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE.
VICE-CHAIRMAN

And

THE HON'BLE MR. H. RAJENDRA PRASAD : M(A)
The Hon'ble Mr. B. S. Jaiprakash : M(D)

DATED:- 15/10/97

~~ORDER~~ JUDGMENT.

M.A../RA../C-A.No..

in

O.A.No. 1180/94-

T.A.No.

(W.P.)

Admitted and Interim directions issued.

Allowed

Disposed of with Directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected

No. order as to costs.

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
भेजक/DESPATCH
24 OCT 1997
हैदराबाद न्यायपीठ
HYDERABAD BENCH