

(7)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH: :

AT HYDERABAD:

O.A.No. 257 of 1994.

Date of Order: 16-01-1996.

Between:

V. Ramulu.

.....Applicant.

and

1. Union of India, rep. by its Secretary,  
Ministry of Urban Development,  
Government of India, Nirman Bhavan,  
New Delhi - 110 011.
  2. Superintending Engineer (Co-ord),  
Southern Zone, CPWD., 100, Marshals Road,  
Egmore, Madras.
  3. Director General of Works, CPWD.,  
Nirman Bhavan, New Delhi - 110 001.
  4. Superintending Engineer (Civil),  
Nirman Bhavan, Koti, Hyderabad.
  5. Executive Engineer (Civil), Division-I,  
CPWD., Nirman Bhavan, Koti, Hyderabad.
  6. Assistant Engineer (Civil), Hyderabad  
Central Sub-Divn.I/4, CPWD., CNPA., Campus,  
Shivrampalli, Hyderabad.
- .....Respondents.

Counsel for the Applicant: Mr. P.B. Vijaya Kumar.

Counsel for the Respondent: Mr. N.V. Raghava Reddy, CGSC.

CORAM:

HON'BLE MR. JUSTICE V. NEELADRI RAO: VICE CHAIRMAN.

HON'BLE SHRI R. RANGARAJAN, MEMBER ADMINISTRATIVE.

J U D G M E N T

(AS PER HON'BLE SHRI JUSTICE V. NEELADRI RAO, VICE CHAIRMAN)

Heard Shri P.B. Vijaya Kumar, learned Counsel for  
the Applicant and Shri N.V. Raghava Reddy, learned Standing  
Counsel for the Respondents.

2. This O.A. was filed praying for a direction to the respondents to regularise the services of the Applicant as Mason or in any other suitable post or in the alternative to direct the respondents to continue the applicant in terms of any scheme to be formulated by the Government of India.

3. It was pleaded for the Applicant that he had been working from 1-9-1991 as Mason under R-6 and he is being employed on contract basis by giving the same for every three or four months. Though it was averred in the reply statement that the applicant never worked under R-6 as Mason and R-5 and R-6 used to engage Masons, Drivers, Welders etc., by calling for quotations/tenders only, it is now conceded on behalf of the respondents in view of the certificate issued by R-6 the copy of which is Annexure-IV to the O.A., the case of the applicant that he was engaged from 1-9-1991 as Mason has to be accepted. As such, the application is also covered by the letter No.34/17/93-EC.X, dated 18-08-1993 which reads as under:

".....  
.....

You are therefore, once again requested to send a list of all such daily rated Muster Roll Workers engaged on hand receipt or Work Order or any other basis defying the existing Government instructions ensuring inter-alia termination of the services of all such workers who have not completed 240 days of service in two consecutive years. Your probable demand requiring appointment of such workers may also be intimated to this Directorate.

-/3/-

Since the instructions with regard to absolute ban on engagement of workers on Muster Roll issued on 19-11-1985 will also apply to any form of engagement of workers of daily rated included work order, you are, therefore, requested to follow the instructions quoted above and in future, no recruitment even on work order be made."

4. While refering to the above letter dated 18-8-1993 we had given a direction by the judgement dated 15-11-1995 in O.A.No.174/95 that if the claim of the applicant therein had not been forwarded in pursuance of the said letter and if he satisfies the conditions referred to therein, his name has to be forwarded as observed in the letter dated 18-08-1993. Hence for the reasons stated in the order dated 15-11-1995 in O.A.No. 174/95, this O.A. is disposed of as under:-

If the name of the applicant is not yet forwarded in pursuance of the letter dated 18-8-1993 as referred to hereinbefore, the case of the applicant has to be forwarded to the concerned authority as referred to therein. It is needless to say that if ultimately the applicant is going to be aggrieved by the order to be passed, he is free to file fresh application under section-19 of the Administrative Tribunal Act if he is so advised. In the meanwhile there is work for the post of Mason, the applicant has to be preferred to the freshers.

5. The O.A. is ordered accordingly, No costs.

Sd/- - - - -5/2/96  
Court Officer,  
Central Administrative Tribunal  
Hyderabad Bench, Hyderabad.

Copy to:

.....  
.....  
.....

// true copy //

*Pu*