

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.386/94

Date of Order: 20.2.97

BETWEEN:

1. G.Kailasapathi
2. P.Pullaiah
3. K.Venkateswarlu
4. B.Vijayakumar
5. B.Nagaman Singh

.. Applicants.

AND

1. The Director General,
Telecommunications, New Delhi.
2. The Chief General Manager,
Telecommunications, A.P.Circle,
Hyderabad-1.
3. The Director, Telegraph Traffic,
Telecommunications, AP Circle,
Hyderabad-1.
4. The Sr. Superintendent of Tele Traffic,
Kurnool Division, Kurnool.

.. Respondents.

Counsel for the Respondents

.. Mr.W.Satyanarayana
for
Mr.N.R.Devraj

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 B.S.Jaiparameshwar, Member (J) X

Heard Mr.V.Venkateswara Rao, learned counsel for the
applicant and Mr.W.Satyanarayana for Mr.N.R.Devraj. learned
standing counsel for the respondents.

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2. There are five applicants in this OA. They were initially appointed as ED Messengers in the Post Office at Yemmiganur and Srisailam. While they were working in the combined offices in the Posts and Telegraphs they were discharging duties of the telegram delivery as ED Messengers. When the telegraph work was bifurcated and attached to the telegram centre, they were taken as part-time messengers in the Telecom Centre. Now they have filed this OA to declare that they are entitled to be continued in the department of Telecom and ^{conferred} ~~confirmed~~ temporary status, etc, as per the provision of the casual labourers (grant of temporary status and regularisation) scheme 1989 and the memo No. KN/1-141/94 dt. 3. 3.94 issued by the Respondent No. 4 is illegal, arbitrary and ^{un}constitutional and to quash the same.

3. The respondents have filed counter stating that the applicants are working on deputation basis temporarily at the Telecom Centres that their cases would be considered for absorption in future in the postal wing in accordance with the instructions contained in letter dt. 15.2.85 that the temporary deputation of the applicants to the telecom and the recruitment and service conditions of EDAs are entirely different from ^{the} other cadres that Superintendent of Post Offices, Wanaparthy had already taken back two EDAs from the Telecom Centres that thus the question of absorbing the applicants in the Telecom department does not arise that therefore the OA be dismissed.

4. After the bifurcation was done options were called for from the employees and they were opted to remain in the telecom department. Thereafter Annexure-3&4 were issued appointing them as part-time messengers at telecom centres, Yemmiganur and Srisailam respectively. In Annexure-5 it is stated that it has been ^{instructed} ~~impugned~~ by the Superintendent of Post Offices, Kurnool vide his letter dt. 21.2.94 that the names of the ED Messengers have been deleted from the waiting list of surplus EDAs as per


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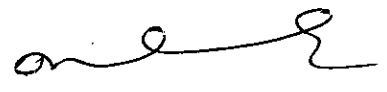
the instructions contained in letter dt. 23.2.79 that since the ED Messengers did not reply to the S.P. Kurnool when they were offered certain ED vacancies and that the question of obtaining their willingness does not arise as they continue to be on the waiting list of surplus EDAs of Department of Posts.

5. Annexure-3, 4 and 5 are contrary to each other. Postal and Telecommunication Department

for the Senior Superintendent, Tele-Traffic, Kurnool in consultation with his counter part in the Postal Department ^{should} ~~must~~ discuss and take a decision as to the status of the applicant. Till such time a decision is taken in this connection the applicants ^{shall} ~~will~~ be continued in the Telecom Centre in the present post and capacity in accordance with the existing rules.

6. With these observations the OA is disposed of. No costs.

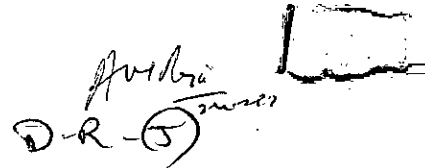

(B.S. JAI PARAMESHWAR)
Member (Judl.)


(R. RANGARAJAN)
Member (Admn.)

Dated: 20th February 1980

(Dictated in Open Court)

sd


D-R-5

8/11/3/97

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD

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

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

DATED:

20/2/97

Order/Judgement
R.P/C.P/M.A.NO.

in

O.A.NO. 386/84

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS.

II COURT