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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

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O.A.No. 61/94.

Dt. of Decision : 15-11-95.

M. Shankar

.. Applicant.

Vs

1. Union of India, Rep. by its Secretary, Min. of Urban Development, Govt. of India, Nirman Bhavan, New Delhi-110 011.
2. Superintending Engineer (Coord), Southern Zone, CPWD., 140 Marshalls Road, Egmore, Madras-8.
3. Director General of Works, CPWD., Nirman Bhavan, New Delhi-110 011.
4. Superintending Engineer, Hyderabad Central Circle, CPWD., Nirman Bhavan, Hyderabad-500 195.
5. Executive Engineer, Hyderabad Central Division No. I (Ele) CPWD, Nirman Bhavan, Sultan Bazaar, Hyderabad.

.. Respondents.

Counsel for the Applicant : Mr. P.B. Vijayakumar

Counsel for the Respondents: Mr. N.R. Devaraj, Sr. CGSC.

CORAM:

THE HON'BLE SHRI JUSTICE V. NEELADRI RAO : VICE CHAIRMAN

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

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O.A.No.61/94

Dt.of order:15-11-1995

ORDER

As per Hon'ble Shri Justice V.Neeladri Rao, Vice Chairman

Heard Shri P.B. Vijayakumar, learned counsel for the applicant and Shri N.R. Devraj, learned Standing Counsel for the respondents.

2. The applicant herein was engaged as a Driver in the office of the 5th respondent from 19.3.1990 on 'work order' basis and continued till April, 1994. It is alleged for the applicant that he was not provided with work from May, 1994 to July, 1994, though 'status-quo' order was passed in this CA. The further submission of the applicant is, that from August, 1994, he was again re-engaged, but the order <sup>is</sup> ~~is~~ passed to the effect that he <sup>was</sup> ~~is~~ engaged through an inter-mediary, <sup>but</sup> ~~and~~, in reality, he is working from August, 1994 as a Driver in Vehicle No.AP9 9F 95 belonging to National Airport Authority, Projects Division-II.

3. The plea of the respondents is that, there is no 'Employer-employee' relationship and hence, the question of regularisation of his services as a Driver as prayed for in this OA, does not arise.

4. It is <sup>stated</sup> ~~observed~~ inter-alia in Govt. of India, Central Public Works Department, Dte. General of Works letter No.34/17/93-EC.X dated 18.8.1993 as follows:

".....

.....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

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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.

Since the instructions with regard to absolute ban on engagement of workers on Muster Roll issued on 19.11.85 will also apply to any form of engagement of workers of daily rated including work order, you are, therefore, requested to follow the instructions even on work order be made."

5. There is no dispute in regard to the period for which the applicant worked by 18.8.93, the date of the letter referred to herein before, ~~and~~ <sup>and</sup> if it is not a case of working for less than 240 days in two consecutive years, and if the name of the applicant has not yet been forwarded in pursuance of the said letter, ~~then~~ the name of the applicant has to be forwarded as observed in the letter dated 18.8.93.

6. If the applicant is going to make a representation in this regard to the Director General of Works, CPWD, through proper channel, he is free to do so, and if it is sent by Registered Post Acknowledgement Due to the concerned authority, the latter has to forward the said representation to Director General of Works, CPWD, <sup>The latter is</sup> and Director General of Works, CPWD has to consider the representation of the applicant in accordance with the guidelines if any <sup>such</sup> ~~are available~~.

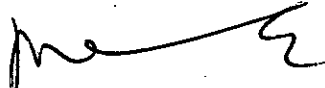
7. <sup>hence that</sup> We feel this OA can be disposed of <sup>in</sup> ~~on~~ the above ~~said~~ manner with liberty to the applicant to file

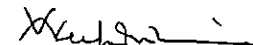
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a fresh application under Sec.19 of the AT Act, if he is so advised, in case he is not regularised as ~~stated~~ ~~afere~~-stated. It is needless to say that if there is work for Driver, no fresher shall be engaged in preference to the applicant.


8. OA is ordered accordingly. No costs.//

  
(R. RANGARAJAN)  
Member (Admn)

  
(V. NEELADRI RAO)  
Vice Chairman

Dtd.: The 15th November, 1995

Dictated in the Open Court

  
12/11/95

To mvl

1. The Secretary, Min. of Urban Development,  
Union of India, Govt. of India,  
Nirman Bhavan, New Delhi-11.
2. The Director General of Works,  
CPWD, Nirman Bhavan,  
New Delhi-11.
3. The Superintendent Engineer,  
Hyderabad Central Circle, CPWD,  
Nirman Bhavan, Koti, Hyderabad.
4. The Executive Engineer, Hyderabad Central Division II,  
CPWD, Nirman Bhavan, Koti, Hyderabad.
5. The Executive Engineer, Hyderabad Central Division No. I (Ele)  
CPWD, Nirman Bhavan, Sultan Bazar, Hyderabad.
6. One copy to Mr. P. B. Vijayakumar, Advocate, CAT. Hyd.
7. One copy to Mr. N. R. Devraj, Sr. CGSC. CAT. Hyd.
8. One copy to Library, CAT. Hyd.
9. One spare copy.

pvm.

TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

THE HON'BLE MR. JUSTICE V. NEELADRIPAO  
VICE CHAIRMAN

AND

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

DATED: 15-11-1995

ORDER/JUDGMENT

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

in

O.A.No.

6194

T.A.No.

(W.P.No.)

Admitted and Interim directions  
Issued.

Allowed.

Disposed of with directions.

~~Dismissed.~~

Dismissed as withdrawn.

Dismissed for default.

Ordered/Rejected.

No order as to costs.

pvm.

No Spare Copy

Central Administrative Tribunal  
DESPATCH  
20 NOV 1995  
HYDERABAD BENCH.