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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A. 62/94.

Dt. of Decision : 02-01-97.

1. G.Appala Raju
2. R.Narasinga Rao
3. R.Ramane
4. R.Srinuvasa Rao
6. G.Srinu
7. K.Nooke Raju
8. G.Dasu
9. P.Nagaraju
10. P.Venu
11. D.Rama Rao
12. S.Ramu

.. Applicants.

Vs

1. The Commandar,
C.O.Circar, Visakhapatnam.
Commanding Officer,
2. The Flg Officer, Commanding-in-Chief,
Head Quarters, Eastern Naval Command,
Navel Base, Visakhapatnam.
3. The Chief Of Navel Staff,
Navel Head Quarters, New Delhi.

.. Respondents.

Counsel for the applicants : Mr. M.Kesava Rao

CORAM:

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

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

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ORDER

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

Heard Mr.M.Kesava Rao, learned counsel for the applicants and Mr.N.V.Raghava Reddy, learned counsel for the respondents.

2. There are 12 applicants in this OA. They submit that they were appointed as casual labourers in various departments from 1988 and 1993 as can be seen in para-6 of the OA under the control of R-1 and they further state that they are discharging their duties satisfactorily. They also add that they have put in more than one year of casual service and they are ^{eligible} ~~entitled~~ for regularisation in accordance with the circular No.3(27)65/11825/D9/Civ(III) dated 26-09-66 (page-4 of the OA) and in terms of the instructions in CE SC RO Part II No.561 dated 29-11-66 and also in terms of the Ministry of Defence letter No.2(17)51/10805/D9 Civ(III) dated 10-9-53 ^{they} ~~as he~~ ~~is~~ governed by the rules pertaining to industrial employees. They also ~~rely~~ on the judgement of this Tribunal in OA.20/89 disposed of on 16-6-92 to contend as above.

3. This OA is filed praying for a direction to the respondents to regularise ~~their~~ ^{of} service from the date ~~their~~ initial appointment and also ^{to} grant them equal pay for equal work similar to the regular employees based on the letters and the judgement referred to above with all consequential benefits.

4. An interim order was passed in this OA on 28-1-94. The interim order reads as ~~below~~:-

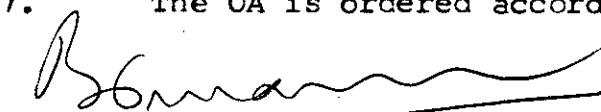
"In the mean time it is ordered that in case retrenchment of the applicants becomes inescapable for want of work, the principle of 'last come first go' shall be observed by the respondents".

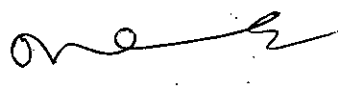
5. A reply has been filed in this connection. The main contention of the respondents is not regularising ~~his/her~~ the services of the applicants ^{is} ~~are~~ that the applicants are employed by non-Government agencies viz., by the Contractor/resident Naval/Civilian personnel. It is also stated that the applicants ~~were~~ ^{have been} the defence estimate; thereby to treat them as casual labourers of the ^{Department} Defence estimate. It is for the respondents to check the records and to see whether they were paid at any time from the Defence estimate and that they are to be treated as casual labourers ~~under~~ under R-1. To facilitate the above, we think it is preferable that the applicants submit a detailed representations indicating the place they served and the other documents to prove their credentials that they were employed as casual labourers in the Defence department. It is to be directed further that if such a representation is received from the applicants ~~that~~ the same should be disposed of in a time bound schedule.

6. Under the above circumstances, the following direction is given:-

The applicants may, if so advised, submit ^{individually} detailed representations to R-2 indicating their service particulars and also explaining why they should be treated as casual labourer, under the respondents, within a period of one month from the date of receipt of a copy of this order. If such ~~representations~~ ^{representations} are received by R-2 within the period stipulated as above, the same should be disposed of in accordance with the rules within a period of three months ^{from} ~~from~~ the date of receipt of ^{these} ~~that~~ representations. Till such time the representation is disposed of, the interim order dated 28-1-94 shall be in force.

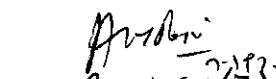
7. The OA is ordered accordingly. No costs.


(B.S. JAI PARAMESHWAR)
MEMBER (JUDL.) 21/97


(R. RANGARAJAN)
MEMBER (ADMN.)

Dated : The 2nd January 1997.
(Dictated in the Open Court)

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Dy. Registrar (J)

(3) 2/1/97

TYPED BY
COMPILED BY

CHECKED BY
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

AND

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

DATED: 2/1/97

~~ORDER/JUDGEMENT~~

~~R.A./C.P/M.A.NO.~~

O.A.NO.

in
62/94

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED

~~DISPOSED OF WITH DIRECTIONS~~

~~DISMISSED~~

~~DISMISSED AS WITHDRAWN~~

~~ORDERED/REJECTED~~

~~NO ORDER AS TO COSTS.~~

II COURT

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