

(125)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

D.A. 75/95.

Dt. of Decision : 3-2-95.

1. BSV Srinivasa Rao
2. Chandan Behara
3. G.Rama Rao
5. Ch.Chinnamrao
6. R.Venkateswara Rao
7. A.K.Prahraj
8. GVS Nagaraju
9. Ch.Trinadha Rao
10. N.Krishna Murthy
11. G.Krishnaveni
12. V.Laxmi
14. K.Ramana Rao
15. B.Sriramurtynaidu

VS

- 1: The Superintendent, I/c
Central Telegraph Office,
Srikakulam-532 001.
2. The General Manager,
Telecom, A,P. Hyderabad. .. Respondents.

Counsel for the Applicants : Mr. K.Vinay Kumar

Counsel for the Respondents : Mr. V.Bhimanna, Addl. CGSC.

CORAM:

THE HON'BLE SHRI JUSTICE V. NEELADRI RAO : VICE CHAIRMAN
THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

OA 75/95

I AS PER HON'BLE JUSTICE SHRI V. NEELADRI RAO,

VICE-CHAIRMAN I

Heard Shri K. Vinay Kumar, learned counsel for the applicant and also Shri V. Bhimanna, learned standing counsel for the Respondents.

2. This OA was filed praying for a direction to the Respondents to regularise the services of the applicants and to pay a sum of Rs. 750/- + D.A + A.D.A from the date of their working as per Circular Dated 26-3-1988 issued by the General Manager Telecom, A.P. Hyderabad (R2) and for consequential declaration that the impugned proceedings issued on 26-8-1994 by the Respondent No. 1 ^{is} arbitrary, capricious and against the principles of natural justice.

3. The relevant portion in proceedings 3-7/94-95 dated 26.8.94 is as under:

"The undersigned is directed to stop engagement of the persons doing sweeper etc. duties with immediate effect. They may engage coolies for only sweeping and watering and make payment under office expenditure with prior approval of the undersigned". "

4. As the said proceedings suggest that contract labourers are engaged, we enquired the learned counsel for the applicant at the time of consideration for admission as to whether these applicants were engaged by the contractor or whether they were engaged by Rlys. Though it was not specifically pleaded as to who engaged these applicants it was submitted by the learned counsel for the applicants that they were engaged by the contractor. Thus the applicants do not come within the purview of section 14(b) (ii) & (A.T.A)

Section 14 (b) (ii) (iii) are as under:

14 (b) all service matters concerning-

(ii) a person (not being a member of an All India Service or a person referred to in clause (c) appointed to any civil service of the Union or any civil post under the Union; or

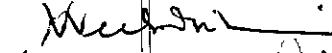
(iii) a civilian (not being a member of an All India Service or a person referred to in clause (c) appointed to any civil post under the Union; or

and pertaining to the service of such member, person or civilian, in connection with the affairs of the Union or of any State or of any local or other authority within the territory of India or any corporation (or society) owned or controlled by the Government.

5. When these applicants do not come within the ambit of Section 14 (b) (ii) & (iii) of A.T. Act, this OA is not maintainable before this Tribunal. Accordingly this OA is returned for presentation in the proper forum.

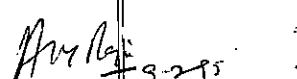


(R. RANGARAJAN)
Member (Admn.)


(V. NEELADRI RAO)
Vice-Chairman

Dated the 3rd February, 1995
Open court dictation

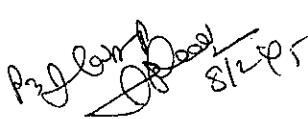
NS


Deputy Registrar (J) CC

To

1. The Superintendent, I/c, Central Telegraph Office, Srikakulam-1.
2. The General Manager, Telecom, A.P. Hyderabad.
3. One copy to Mr. K. Vinay Kumar, Advocate, 1-3-183/40/68/C/2 Opp: Play Ground, Gandhinagar, Hyderabad.
4. One copy to Mr. V. Bhimanna, Addl. CSC. CAT. Hyd.
5. One copy to Library, CAT. Hyd.
- 6- One spare copy.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE V.NEELADRI RAO
VICE-CHAIRMAN

AND

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

DATED: 3-2-1995

~~ORDER/JUDGEMTN:~~

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

in

O.A.No. 75/95

T.A.No.

(w.p.)

Admitted and Interim directions
issued.

Allowed.

Returned

Disposed of with directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default.

Ordered/Rejected

No order as to costs.

Reed 8/26/95

No further copy

