

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

O.A.778/95

Date of decision: 17.9.97

Between:

T.Narasamma

.. Applicant

-versus-

1. The General Manager,
Hyderabad Telecom District,
Suryalok Complex,
Hyderabad - 500 033.

2. Union of India
through
Director General,
Telecom,
Sanchar Bhavan,
New Delhi - 110 001.

.. Respondents

Counsel for applicant : Mr. C. Suryanarayana

Counsel for respondents : Mr. K. Ramulu

Coram:

Hon'ble Shri H. Rajendra Prasad, Member (A)

O R D E R

(Per Hon'ble Shri H. Rajendra Prasad, Member (A))

The applicant was initially employed on 1-6-1977 as part-time contingent employee on hourly rate of wages and a consolidated wage of Rs.15/-p.m. Over a period of time her wages increased to Rs.425/- p.m.

2. The first grievance of the applicant is that she is not being given the minimum pay in the pay scale of regularly employed workers in the corresponding cadre w.e.f. 5-2-1986, as

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ordered in DG Telecom Letter No.10-13/87 dt. 23-2-88; instead, she is being paid, as already noted, only @ Rs.425/- per month. On 9-5-86 ^{were} orders issued by DOT permitting Unit Officers to continue the then existing practice of engaging part-time employees for sweeping/scavenging work. According to this order (No.SR-203/A/III/76 dt. 9-5-86) the applicant was allowed Rs.58.50 per month for the services rendered by her.

3. The applicant continued to represent for her absorption as full-time casual labourer. She did so on 22-6-91, 5-10-91 and on few other occasions. The authorities, however, informed her that the representations were found unacceptable and therefore rejected.

4. While this was the position as regards the claim of the present applicant, the department continued to review the future prospects of all casual labourers in their employ, as also those of their part-time workers, from time to time. Thus, on 22-2-88, it was decided by the department that all casual labourers, including part-time casual labourers as well as workers engaged on contingency basis, were to be given the minimum pay in the pay scale of regularly employed workers of comparable cadre, besides DA and ADA, if any. Earlier, the

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department had decided, vide DGP&T letter No. 369-10/82 STN dt. 23-3-1982, that in future the first preference would be given to part-time workers, who were initially recruited through the agency of Employment Exchange and were within the prescribed age limit for Gr. 'D' posts. It was further decided that those casual labourers who were employed till 20-3-1979 without nomination from employment exchange would also be eligible to be considered. Next, the department in its letter no.169/47/82-STN dt. 9-3-83 conveyed the decision that in future, whenever a casual employee, full time or part-time, was found to be in service for two or four years, as the case may be, and fulfilled other conditions for regularisation, such employee had to be brought on a common single panel for the purposes of regularisation. An indication was also provided as to the exact manner in which the panel had to be drawn up with actual reference to the service rendered by part-time employees. According to this decision, half of the total number of days of service rendered by part-time casual employees were to be duly reckoned for the purpose of empanelment in order of their seniority. Again, on 18-11-88, the department decided that casual/part-time labourers who had rendered seven years' service as on 31-3-87, and had been

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serving the department since or prior to 1980, were to be regularised too. It was further clarified that part-time casual labourers should have rendered a service of at least 240 days per year in any four years prior to 31-3-87. Furthermore, part-time casual labourers had to be regularised without insistence on eligibility with regard to their age and the upper age limit in respect of such casual labourers was to be treated as relaxed. It was also stipulated that regularisation of part-time casual labourers should be completed within one month from the date of receipt of the said letter. It is evident, thus, that the department, fully conscious and aware of the precarious position of such employees, was making constant efforts to ameliorate their plight in every conceivable way subject only to reasonable restrictions. The spirit behind every successive concession was nothing else than a desire to better the lot of such workers who had been rendering service for a number of years on end.

5. Based on the above decisions and instructions of the department the applicant asserts that she is entitled to absorption in the regular establishment since she had rendered more than 240 days service annually for a period of more than 4 years upto 31-3-87. While this was

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the general trend of progressive measures undertaken by the department, General Manager, Telecommunications, Hyderabad District, issued a letter on 18-1-1995 asking the Unit Officers to explain to the contingency employees working under them that they (the employees) did not have any claim for conversion into full time casual mazdoor or for their subsequent absorption. The unit officers were asked to obtain and submit a declaration to the following effect:

"I working as
Sweeper/Scavenger/Waterwoman, under
..... (name of the unit) in Hyderabad
Telecom District understand that I am
a contingent employee and that I do
not have any claim whatsoever for
conversion into full time casual
mazdoor and subsequent absorption into
regular posting in Telecom Department.
I am willing to continue as contingent
employee.

Signature/Thumb impression
of the contingent employee

Signed in my presence

Signature of the Unit Officer. "

6. It is the claim of the applicant that inasmuch as she had been working continuously since 1977, she ought to have been absorbed as regular mazdoor from 1-4-87, or from any date thereafter by conversion of her part-time service into full time service @ two days part-time service as being equal to one day's full time service.

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7. The respondents in their counter affidavit do not make any attempt to meet any of the points raised by the applicant or to discuss any of these various instructions issued periodically. All that they choose to state is that a limited effort was made to club together part-time posts in neighbouring offices^e or units in proximity to one another, with a view to examine the justification, if any, for creation of a regular post in lieu of these scattered posts so that the combined workload could be carried by full time employees. Expectedly the exercise did not yield any fruitful result since no justification was found for combining scattered part-time posts. Apart from this, the counter affidavit does not contain anything of value or relevance. It is added by the respondents that the applicant is being paid @ 3 hrs./day which works out to Rs.425/- per month. At one stage during the hearing, it was mentioned by the learned counsel for the respondents that the applicant was being paid Rs.700/- p.m. and not Rs.425/- p.m. as mentioned in the counter affidavit. However, no document could be produced to establish this claim.

8. There is nothing much to analyse and discuss in this case. The instructions of the department are clear and the decisions taken from

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time to time adequately cover the part-time casual labourer like the present applicant. That being so, it is not understood on what basis the applicant is being denied the legitimate benefit of the scheme(s) devised by the department for amelioration of their sorry plight. It is also to be observed that the declaration sought to be obtained from such workers is highly improper besides being perhaps coercive as well.

9. The respondents have not made out any case nor shown any justification for the continuing arrangement in respect of a worker who has by now rendered 20 years of unbroken service. On the other hand, the applicant has made out a plausible case in support of her claim. Under the circumstances the respondents shall now be expected to empanel the applicant at a suitable and appropriate seniority slot by converting half of the service rendered by her into full-time service. Thereafter, they shall also have to examine the question of granting temporary status to her, to be followed by her subsequent absorption, as may be called for in her case, in accordance with the extant rules and instructions. Her empanelment should be done within ninety days from the date of receipt of copy of this order. The final

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absorption shall come about as per her turn
and seniority.

10. Thus the OA is disposed of.

MD

H. RAJENDRA PRASAD
Member (A)

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To

1. The General Manager,
Hyderabad Telecom Dist.
Suryalok Complex, Hyderabad-33.
2. The Director General, Union of India, Telecom,
Sanchar Bhavan, New Delhi.
3. One copy to Mr.C.Suryanarayana, Advocate, CAT.Hyd.
4. One copy to Mr. K.Ramulu, Addl.CGSC. CAT.Hyd.
5. One copy to D.R.(A) CAT.Hyd.
6. One copy to HHRP.M.(A) CAT.Hyd.
7. One spare copy.

pvm.

23/9/97

I Court.

TYPED BY:

CHECKED BY:

COMPARED BY:

APPROVED BY:

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE.
VICE-CHAIRMAN

And

THE HON'BLE MR. H. RAJENDRA PRASAD :M(A)

DATED:-

17/9/97

~~ORDER~~ JUDGMENT.

M.A.,/RA.,/C-A.No..

in

O.A.No.

778/95.

T.A.No.

(W.P.

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Admitted and Interim directions issued.

Allowed

Disposed of with Directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected

No. order as to costs

Central Administrative Tribunal
Hyderabad Bench