

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.804/95.

Dt. of Decision : 12-03-98.

Kanna Sarangam

.. Applicant.

Vs

1.The Senior Supdt. of Telegraph
Traffic, Hanamakonda-1.

2.The Supdt. of Post Offices,
Hanamakonda Division,
Hanamakonda.

3.The Incharge,
Telecom Centre,
Kazipet, Dist: Kanamakonda.

.. Respondents.

Counsel for the applicant : Mr.S.Ramakrishna Rao

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

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.S.Ramakrishna Rao, learned counsel for the applicant and Mr.N.R.Devaraj, learned counsel for the respondents.

2. The applicant in this OA joined as ED Messenger (Telegraphs) in Kazipet-II, LSG post office w.e.f., 9-12-81. Consequent, on formation of Telecom Centres at Jangaon/Kazipet, the applicant had become surplus ED Agent and his services ~~was~~ ^{were} utilised by the Telecom Centre at Kazipet w.e.f., 1-1-92 as Mazdoor in Telecommunication Department and the applicant was allowed 8 hours duty. *per day.*

3. When an option was given to the applicant on 10-9-93 to work as ED Post, he submitted a representation declining to work on postal side and expressed his willingness in clear terms ~~and~~ that he ^{was} ~~is~~ willing to work in telecommunication side and he had reiterated that he had given his willingness to work in Telecommunication side as back as December, 1991 in the same representation. The applicant was continued to work in Telecommunication department.

4. While the matter stood thus the respondents issued a circular to all the ED Agents and also ^{to} the applicant vide his memo No.A/Misc/92-93 dated 23-9-94 informing that certain ED posts have fallen vacant and that the applicant should give his option to work in any of the places mentioned therein by 28-9-94 failing which their posts will be brought under reduction w.e.f., 30-9-94 A/N. and the applicant shall have no right for absorption in postal side. The third respondents on the basis of that circular issued a telegraphic notice stating that the applicant should intimate his ~~x~~ choice before 27-9-94 failing ~~with~~ which his services will be terminated.

Per



5. Aggrieved by the above the applicant filed OA.1227/94 before this Bench of this Tribunal and seeking a direction to maintain status-quo. An interim order was passed on 28-9-94 to the effect that until further orders, the applicant should not be repatriated to the postal department. However that OA was disposed of with the order to retain him in Telecommunication department only.

6. The applicant submits that in view of the fact that he has approached this Tribunal in OA.1227/94 a vindictive action has been taken by R-3 by reducing his working hours from 8 hours to 6 hours per day vide impugned order No.XT 1440/SSTT-WL 01 dated 01-10-94 (Annexure-I). The applicant submits that the order was issued without assigning any reasons. The applicant further submits that his emoluments have been reduced on pro-rata basis.

7. This OA is filed praying for a direction to the respondents to engage him on 8 hours duty, which he was ^{hitherto} ~~here to~~ performing and direct the respondents to allow him to perform only such duties that are assigned to the ED Telegraph Messengers in the Telecom Department .

8. The applicant submits that he has to work for more than 8 hours and reduction of his duty hours from 8 to 6 hours was not called for especially in view of the letter at Page-15 to the OA issued by R-3. By that letter, the applicant has to provide water also for the staff. He also submits that other employees similarly placed have been given 8 hours duty per day whereas he has been discriminated by giving 6 hours duty.

9. From the above it is clear that the duty hours of the applicant was reduced probably based on the work-load. However we are not able to come to a definite conclusion as it is stated by the learned counsel for the respondents that there are two contingent workers in addition to regular workers in the department ^{and hence} the work

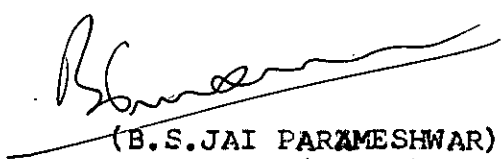
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to the contingent workers ^{equally} distributed. The applicant has stated ^{that} ~~earlier~~ the work has increased and hence giving him 6 hours duty is irregular and he should be given 8 hours duty.

10. From the above pleadings it looks that a proper assessment of the ~~work given~~ ^{to} both the contingent workers as well as the regular workers has to be done and on that basis the applicant should be allowed a realistic duty work hours. For that a work study has to be conducted and work load in the office should be ~~assigned~~ ^{assessed} and on that basis duty hours of the applicant and other contingent ^{work} should be decided.

11. In the result, the ~~respondents~~ are directed to conduct a work study of the work load in the department performed by both the regular as well as the contingent workers and decide the allotment ^{of} ~~duty working hours to the applicant~~ to contingent labourers which includes the applicant.

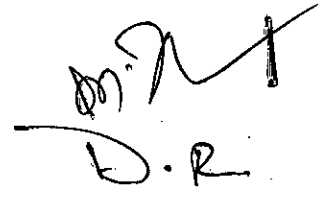
12. With the above direction the OA is disposed of.
No costs.


(B.S. JAI PARAMESHWAR)
MEMBER (JUDL.)
12/3/98


(R. RANGARAJAN)
MEMBER (ADMN.)

Dated : The 12th March, 1998.
(Dictated in the Open Court)

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D.R.

DA.804/95

Copy to:-

1. The Senior Supdt. of Telegraph Traffic, Hanumakonda.
2. The Supdt. of Post Offices, Hanamakonda Division, Hanumakonda.
3. The Incharge, Telecom Centre, Kazipet, Kanamkonda.
4. One copy to Mr. S.Ramakrishna Rao, Advocate, L.A.T., Hyd.
5. One copy to Mr. N.R.Devaraj, Sr.CGSC., CAT., Hyd.
6. One copy to D.R.(A), L.A.T., Hyd.
7. One duplicate copy.

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26/3/98
TYPED BY
COMPARED BY

(7)

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

AND

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

DATED: 12/3/98

~~ORDER/JUDGMENT~~

~~M.A./R.A/G.A.NO.~~

in

D.A.NO. 804/95

~~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

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