

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH
AT HYDERABAD.

O.A.No. 805/95.

Date of decision: April 11, 1997.

Between:

Sri G.Purushottam. .. Applicant.

And

1. Union of India, represented by its Secretary, Ministry of Urban Development, Government of India, Nirman Bhavan, New Delhi 110 011.
2. Director General of Works, CPWD, Nirman Bhavan, New Delhi 110 011
3. Superintendent, Engineer (E) Hyderabad Central Circle (E) CPWD, Nirman Bhavan, Koti, Hyderabad,
4. Executive Engineer (E) Hyderabad, Central Electrical Division II, CPWD, do / do
5. Asst. Engineer (Electrical) DESD. IV, CPWD, A.G Office complex, Hyderabad-4.

Respondents.

Counsel for the applicant. Sri P.B.Vijaya Kumar

Counsel for the respondents: Sri N.V.Raghava Reddy.

JUDGMENT.

(By Hon'ble Sri R.Rangarajan, Member (A)).

Heard Sri P.B. Vijaya Kumar for the applicant
and Sri N.V.Raghava Reddy, for the respondents.

The applicant herein is stated to be continuously engaged in the office of the 5th respondent as Office Attendant from 15--12--1992 on Work Order basis. ~~It~~



It is submitted that his services are being continued by extending his engagement by taking fresh Work Orders. By the time of filing the reply the applicant was still continuing under Respondent No.5 in the same capacity as Office Attendant.

The plea of the respondent is that there is no Employer and Employee relationship between the applicant and the respondents and hence the question of regularisation of the services of the applicant as Office Attendant as prayed for in this O.A., does not arise.

It is stated inter alia in Govt. of India, Central Public Works Department, Directorate 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 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--1985 will also apply to any form of engagement of workers of daily rated including work order, you, are, therefore, requested to follow the instructions quoted above and in future, no recruitment even on work order be made."

There is no dispute in regard to the period for which the applicant worked by 18-8-1993, the date of the letter referred to herein before; so, 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, the name of the applicant has to be forwarded as observed in the letter dated 18--8---1993.

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 it is sent by Registered Post Acknowledgment Due" to the Concerned Authority, the latter has to forward the said representation to the Director General of Works, CPWD and that latter i.e., the Director General of Works, CPWD has to consider the representation of the applicant in accordance with the guidelines, if any.



Hence, I am of the opinion that this O.A.,
can be disposed of in the above manner with liberty
to the applicant to file a fresh applican^{tion}_x under
Sec.19 of the Administrative Tribunal Act, if he is
so advised, in case he is not regularised. It is
needless to say that if there is work for Office
Attendant, no fresher shall be engaged in preference
to the applicant, in case the applicant is retrenched
in the meanwhile.

The O.A., is ordered accordingly. No costs.



(R. RANGARAJAN)
Member (S)

Date: 11--4--1997.

Dictated in open Court.

Pravin
D. R. (S)

..5..

Copy to:

1. Secretary, Min. of Urban Development,
Govt. of India, Nirman Bhavan, New Delhi.
2. Director General of Works, CPWD, Nirman Bhavan,
New Delhi.
3. Superintendent, Engineer(E) Hyderabad Central Circle,
(E), CPWD, Nirman Bhavan, Koti, Hyderabad.
4. Executive Engineer (E), Hyderabad Central Electrical
Division - II, CPWD, Nirman Bhavan, Koti, Hyderabad.
5. Asst. Engineer(Electrical), DESD.IV, CPWD,
A.G. Office Complex, Hyderabad.
6. One copy to Mr.P.B.Wijaya Kumar, Advocate, CAT, Hyderabad.
7. One copy to Mr.N.W.Raghava Reddy, Addl.CGSC, CAT, Hyderabad.
8. One copy to D.R(A), CAT, Hyderabad.
9. One duplicate copy.

YLKR

28/3/97
30/4/97
TYPED BY
COMPARED BY

9
CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

AND

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

DATED: 4/4/97

ORDER/JUDGEMENT

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

in

O.A.No. 805/95

ADMITTED INTERIM DIRECTIONS ISSUED
ALLOWED
DISPOSED OF WITH DIRECTIONS
DISMISSED
DISMISSED AS WITHDRAWN
~~ORDERED/REJECTED~~
NO ORDER AS TO COSTS

YLKR

II COURT

