

(72)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD  
---

O.A. 93/95.

Dt. of Decision : 30.1.95.

1. S.Kumar
2. S.Lakshmiah
3. T.Prabhakar
4. B.Bixapathy
5. M.Srinivas
7. Mohd. Ghouse Pasha
8. T.Krishna

.. Applicants.

Vs

1. Officer-in-Charge,  
Civil Administration.  
Hyderabad-500 043.
2. Commandant, Air Force Academy,  
Dundigal, Hyderabad-43.
3. Secretary, Ministry of Defence,  
Govt. of India, New Delhi.

.. Respondents.

Counsel for the Applicants : Mr. S.Ramakrishna Rao  
Counsel for the Respondents : Mr. N.R.Devaraj, Sr.CGSC.

CORAM:

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

O.A.No.93/95.

Date of Decision: 19/1/95

J U D G M E N T

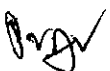
[ as per Hon'ble Sri R.Rangarajan, Member(Administrative) ]

Heard Sri S.Ramakrishna Rao, learned Counsel for the applicants and Sri N.R.Devaraj, learned Standing Counsel for the respondents.

2. The applicants herein were recruited on casual basis as Anti Malaria Lascars vide office order No.AFA/8004/3/9/PC dt. 6.7.1994 in R-1 organisation, after having sponsored by the Employment Exchange. It is stated for the applicants that their character and antecedents were verified through police authorities before appointing them. Casual service particulars of the applicants herein were shown in para-4 (page-2) of the O.A. It is seen from the particulars given that they had worked for a specified period during the years 1990, 1992 & 1994. During the year 1994 they worked in casual capacity as Anti Malaria Lascars for the period from 6.7.1994 to 13.12.1994. Vide order No.AFA/8004/3/9/PC dt. 13.12.1994 their services were terminated with effect from 14.12.1994. Aggrieved by the above termination, they have filed this OA praying for absorption in Group 'D' cadre and regularise their services on priority on the basis of their service rendered by them as Seasonal Anti Malaria Lascars.

3. Applicants who were similarly placed had filed OA Nos.190/94 to 197/94 on the file of this Bench. That OA was disposed of by order of this Tribunal dt. 25.2.1994 where both of us were parties to that Judgment.

...3/-



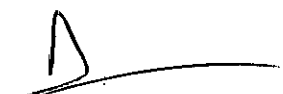
4. Considering all the circumstances and hearing both the sides in those OAs a direction was given to prepare a seniority list of those applicants in that OAs who were engaged as Anti Malaria Lascars but had not crossed the 40 years age and offer them the post of Anti Malaria Lascars for six-monthly period during June to December each year provided those for whom the offer of appointment was given for ~~working~~ as Anti Malaria Lascars are medically fit and bearing good conduct.

5. As the applicants in this OA are similarly situated the direction already given in OAs 190/94 to 197/94 will ~~be~~ hold good for the applicants herein also.

6. The learned counsel for the applicants submitted that Casual Anti Malaria Lascars are being appointed not only during the period from June to December every <sup>for</sup> year but other periods also depending upon the need for engaging such casual labourers. In view of the above, it was submitted that those who are enlisted in the seniority list may also be engaged on casual basis as Anti Malaria Lascars for the period other than June to December. This is a fair submission of the learned Counsel and a direction has to be given to consider them for engaging them as Casual Anti Malaria Lascar as and when need arises.

7. In the result, it is just and proper to give the following direction keeping in view the suitability of the employee for that post and the nature of the duties which they have to render ~~for~~ following the directions given in OAs 190/94 to 197/94.

...4/-



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(1) R-1 has to prepare the seniority list of those who are engaged as Anti Malaria Lascars but not yet crossed 40 years of age. The names of those employees can be deleted from the list on crossing 40 years on 1st January.

(2) R-1 has to offer the post of Anti Malaria Lascar for engagement whenever vacancies arise by addressing letters to those who are in the seniority list, and those who are interested in working have to report before the concerned authority on the specified dates for considering their medical fitness and good conduct. The names of those who are not found to be of good conduct can be deleted from the seniority list by making a note in the confidential book as to why such candidate is not found to be of good conduct so that it can be produced before the Tribunal/Court if the denial of appointment is challenged.

(3) R-1 has to engage Casual Anti Malaria Lascars from the seniority list mentioned in para-(1) above as and when need arises. Their engagement from the seniority list as Anti Malaria Lascars need not be restricted for the period from June to December of each year *only*.

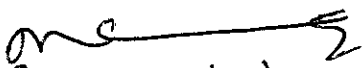
8. We feel that by following the above directions, the necessity of issuing the requisition to the Employment Exchange each year for filling up the posts of Anti Malaria Lascars may not arise and such employees ~~may be~~ who are in the seniority list may be knowing as to whether they will be called for such appointment if they are interested. We also make it clear that on the basis

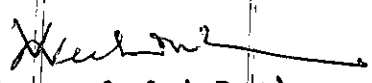
...5/-



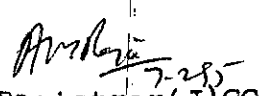
of the preparation of the seniority list and in view of the directions referred to, such seasonal employees cannot claim a right for regularisation. Of course, this order does not deprive them from making a representation to the concerned authority for regularisation and then it is for the concerned authorities to decide as to whether it is a case where any scheme has to be formulated for regularisation.

9. The OA is ordered accordingly at the admission stage itself. No costs.

  
R. Rangarajan)  
Member (Admn.)

  
(V. Neeladri Rao)  
Vice-Chairman

Dated 30<sup>th</sup> Jan., 1995.

  
Deputy Registrar (J) CC

Grh.

To

1. The Officer-in-Charge, Civil Administration,  
Air Force Academy, Dundigal, Hyderabad-43.
2. The Commandant, Air Force Academy,  
Dundigal, Hyderabad-43.
3. The Secretary, Ministry of Defence, Govt. of India,  
New Delhi.
4. One copy to Mr. S. Ramakrishna Rao, Advocate, CAT. Hyd.
5. One copy to Mr. N. R. Devraj, Sr. CGSC. CAT. Hyd.
6. One copy to Library, CAT. Hyd.
7. One spare copy.

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRI RAO  
VICE CHIEF JUSTICE

AND

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

DATED: 30 - 1 - 1995

ORDER/JUDGMENT:

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

in

O.A.No. 93/95

T.A.No. (w.p.)

Admitted and Interim directions  
issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected

No order as to costs.

Dvm

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