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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

O.A.NO. 973/95.

Date of Order: 23-8-95.

Between:

P.Venkata Rao.

..

Applicant.

and

1. The Chief Commissioner of Income Tax,
A.P.Hyderabad.
2. The Deputy Director of Income Tax (Investigation)
Investigation Wing, Visakhapatnam.

.. Respondents.

For the Applicant: Mr. B.Nageswar Rao, Advocate.

For the Respondents: Mr.N.V.Ramana, Addl.CGSC.

CORAM:

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

THE HON'BLE MR.R.RANGARAJAN : MEMBER(ADMN)

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2

OA.973/95

Judgement

(As per Hon. Mr. Justice V. Neeladri Rao, Vice Chairman)

Heard Sri B. Nageshwara Rao, learned counsel for the applicant and Sri N. V. Ramana, learned counsel for the respondents.

2. The applicant was engaged as a Part-time worker (Driver) in R-2's office in July, 92. It is stated for the respondents that his services ^{orally} ~~were~~ terminated on 10-7-95. This OA was filed praying for a declaration that the action of the respondents in terminating the services of the applicant is highly arbitrary, illegal, and for a consequential direction to the respondents to consider him for appointment for one of the Driver's posts notified vide memo No.CR.30/Estt/95 dated 9-6-95.

3. The notification dated 9-6-95 makes it clear that only the Group-D staff of Income Tax Department, who are having the requisite qualifications are eligible for consideration for selection to the three posts of Staff Car Driver. But a part-time worker is not a Group-D staff. The applicant who is only a part-time worker cannot be held as member of the Group-D staff and hence no direction can be given to the respondents to consider the applicant for the post of Staff Car Driver for which notification dated 9-6-95 was issued.

4. But we have to accede ^{to} the submission of the learned counsel for the applicant ^{when} ~~that~~ it is stated that the respondents may take ^{him} as part-time employee and continue him till he is replaced by a regular driver, if there is work for part-time driver.

(17)

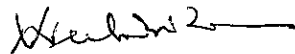
5. Hence, this DA is ordered as under :

If there is work for part-time driver, this applicant has to be taken as part-time driver by R-2 and he has to be continued till he is replaced by a regular driver.

No costs.//



(R. Rangarajan)
Member (Admn.)



(V. Neeladri Rao)
Vice Chairman

Dated : August 23, 95
Dictated in Open Court


Deputy Registrar (J)CC

To

1. ^{sk} The Chief Commissioner of Income Tax,
A.P. Hyderabad.
 2. The Deputy Director of Income Tax (Investigation) Investigation
Wing, Visakhapatnam.
 3. One copy to Mr. B. Nageswar Rao, Advocate, CAT. Hyd.
 4. One copy to Mr. N. V. Ramana, Addl. CGSC. CAT. Hyd.
 5. One copy to Library, CAT. Hyd.
 6. One spare copy.
- pvm.

C.O. Sec
Received
at 28/8/95

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C.C. today
28/8/95

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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD.

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

A N D

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

DATED 23/8 1995.

ORDER/JUDGMENT:

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

in
OA.No.

TA.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.

No Spare Copy

