

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO. 982 OF 1995

DATE OF ORDER: 30th July, 1997

BETWEEN:

1. M.S.PRBHAKAR,
2. P.SADANAND.

.. APPLICANTS

AND

1. Union of India represented by its Secretary, Ministry of Finance, (Dept. of Revenue), North Block, New Delhi,
2. The Commissioners, Central Excise, Basheerbagh, Hyderabad,
3. The Asstt. Commissioner, Central Excise, Division III,

COUNSEL FOR THE APPLICANTS: Ms. N.SHAKTI

COUNSEL FOR THE RESPONDENTS: Mr.V.RAJESWARA RAO, Addl.CGSC

CORAM:

HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

ORDER

ORAL ORDER (PER HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.))

Heard Ms.N.Shakti, learned counsel for the applicants and Mr.V.Rajeswara Rao, learned standing counsel for the respondents.

2. There are two applicants in this OA. The first applicant was engaged as full time contingent labourer on daily a wage of Rs.8/- per day with effect from 1.8.90 in

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Uppal Range-II under R-3. The second applicant was engaged with effect from 13.11.90 in Saroornagar Range by the proceedings dated 9.11.90 of R-3. It was contemplated to retrench them from service with effect from 1.6.92. Apprehending the discharge, they filed OA 500/92 and 557/92 on the file of this Bench. In view of the directions given in those OAs by this Tribunal, they were continued without ~~casualary~~. They are still continuing as full time contingent casual labourers with daily wage of Rs.45/- per day. The first applicant submitted representation on 27.1.95 (Annexure IV to the OA) and the second applicant submitted representation on 5.2.95 (Annexure V to the OA) addressed to R-2 for granting them temporary status and regularisation of their casual service in terms of the OM dated 10.9.93 (Annexure III to the OA). It is stated that no reply has been given to them so far in regard to their representation.

3. This OA is filed praying for a direction to the respondents to confer on them temporary status in terms of OM No.51016/2/90 Estt(C) dated 10.9.93 of the Ministry of Personnel, Public grievances and Pensions, Dept. of Personnel & Training and to pay them the wages at the minimum of the pay scale prescribed for the corresponding Group-D employees with retrospective effect i.e., from 10.9.93, the date of issue of the said OM.

4. It is an admitted fact that the applicants were in service as casual labourers on 1.9.93 and they are continuing as such.

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5. The contentions and the prayer in this OA raised by the applicants and the contentions raised by the respondents in the reply are same as those raised in OA 549/95 disposed of today. In view of the above, this OA is also to be disposed of on the same lines. Hence the following direction is given:-

temporary status in accordance with the O.M.No.51016/2/90-Estt(C), dated 10.9.93 should be considered even though they are not candidates sponsored by the Employment Exchange and their pay in pursuance of the above direction should be fixed from the relevant date. They are entitled for other consequential benefits, if any, accordingly.

6. Time for compliance is three months from the date of receipt of a copy of this order.

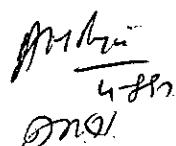
8. The OA is disposed of accordingly. No order as to costs.



(R.RANGARAJAN)
MEMBER (ADMN.)

DATED:- 30th July, -1997
Dictated in the open court.

vsn



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Copy to :-

1. The Secretary, Ministry of Finance, (Dept. of Revenue), North Block, New Delhi.
2. The Commissioners, Central Excise, Basheerbagh, Hyderabad.
3. The Assistant Commissioner, Central Excise, Division III, Hyderabad.
4. One Copy to Mr. N. Shakti Advocate, Ex-Ax. C.A.T. Hyderabad.
5. One Copy to Mr. V. Rajeswara Rao, Addl. CGSC, C.A.T. Hyderabad.
6. One Copy to The D.R. (A).
7. One ~~Copy~~ Duplicate Copy.

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TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

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

~~AND~~

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

DATED: 30.7.97

ORDER/JUDGEMENT

M.A./R.A/C.A. NO.

in

O.A. NO.

982/95

Admitted and Interim directions
Issued.

Allowed

Disposed of with directions,

Dismissed

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

No order as to costs.

YLKR

II COURT

Central Administrative Tribunal