

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.1112/95.

Dt. of Decision : 04-09-97.

N.Ramaswamy

.. Applicant.

Vs

The Station Director,
Commercial Boardcasting Services,
All India Radio, Govt. of India,
Hyderabad.

.. Respondents.

Counsel for the applicant : Mr.Y.Suryanarayana

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

CORAM:-

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

ORDER

Heard Mr.Phaneraj for Mr.Y.Suryanarayana, learned counsel for the applicant and Mr.W.Satyanarayana for Mr.N.R.Devaraj, learned counsel for the respondents.

2. The case of the applicant is as follows:-

The applicant was engaged as a Casual Labour on 11-1-95. From that date onwards he was doing the work of Sweeper to the satisfaction of the respondent authorities. He was paid only a daily wages of Rs.40/- His services ^{were} ~~was~~ terminated orally on 15-7-95. The applicant submits that no notice of termination was given and there is work as he was engaged ^{as} ~~the~~ a regular post. His termination is illegal ~~and~~ and one Mr.Naveen who was appointed as Sweeper subsequent to him ~~and he~~ is continued.

3. This OA is filed praying for a direction for his reengagement ^{by him} ~~and~~ and the oral termination order dated 15-7-95 as



No

arbitrary, illegal and unconstitutional with all consequential attendant benefits.

4. A reply has been filed in this OA. In the reply it is stated that the applicant was not engaged against any regular vacant post. Whenever a regular sweeper was absent or on leave the services of the applicant was engaged on a casual basis on day to day need. Thus the applicant had put in 180 days of service till his services ~~was~~ ^{were} terminated. As there is only one casual sweeper engaged as and when required the question of assessing work load does not arise. Further Mr.Naveen who is referred to by the applicant ~~pointed~~ ^{as having been appointed} subsequent to him and continued even after his termination of Sweeper is not correct. Mr.Naveen is also engaged on casual basis as and when required. Hence the respondents submit that there is no irregularity committed in the termination of the applicant as there was no work.

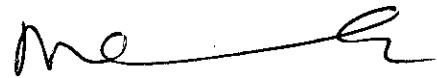
5. The respondents further submit that the applicant would certainly be engaged as and when there is a need for a day or two ~~like others~~ whenever a regular Sweeper goes on leave provided the applicant was available for such engagement. From the above details it is evident that the applicant was engaged on casual basis against the leave vacancy of Sweeper. There is a commitment on behalf of the respondents that the applicant would certainly be engaged in future if there is need on a day to day basis whenever a regular Sweeper goes on leave provided the applicant is available for such engagement. Further to assist the applicant it is necessary to give a direction also to the respondents to consider his case for the post of Sweeper if it arises in future along with the others in accordance with law.



6. In the result, the following direction is given:-

The applicant should be engaged as a Casual Sweeper when there is need on day to day basis if he is available for such engagement. His case for regular ^{engagement as} ~~appointment of~~ casual labour should also be considered along with others whenever a regular post of Sweeper arises in future in accordance with law.

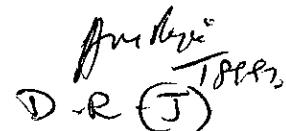
7. The OA is ordered accordingly. No costs.



(R. RANGARAJAN)
MEMBER(ADMN.)

Dated : The 04th Sept. 1997.
(Dictated in the Open Court)

spr


Anil
D.R. (J)

Self Help
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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

THE HON'BLE SHRI R. R. AGARWAL : M (M)

AND

THE HON'BLE SHRI B. S. J. I. PARMESHWAR:
(M) (J)

Dated: 24/8/82

ORDER/JUDGEMENT

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

in

C.A.NO. 1112/85

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

केन्द्रीय प्रशासनिक अधिकार सभा
Central Administrative Tribunal

DISPATCH

- 1 OCT 1982

हैदराबाद आधारीक
HYDERABAD BENCH