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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.1569/95.

Dt. of Decision : 04-09-97.

Merugu Ravi

.. Applicant.

Vs

1. The Secretary to Govt.of India,
Min.of Communications,
New Delhi-110 001.
2. The Director General, Telecom
20 Ashoka Road, New Delhi-1.
3. The Chief General Manager, Telecom
Andhra Pradesh, Hyderabad-1.
4. The Telecom District Manager,
Eluru-50.
5. The Junior Telecom Officer,
Telegraph Office,
Bhimavaram-534 201.

.. Respondents.

Counsel for the applicant : Mr.U.R.S.Gurupadam

Counsel for the respondents : Mr.V.Rajeswara Rao, Addl.CGSc.

CORAM:-

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

ORDER

Heard Mr.U.R.S.Gurupadam, learned counsel for the applicant and Mr.V.Rajeswara Rao, learned counsel for the respondents.

2. The case as submitted by the applicant is as follows:-

The applicant was engaged as a Part-time casual employee and deployed as Watchman from 25-10-90 under the Asst. Superintendent Incharge, Telegraph Traffic, Telegraph Office, Bhimavaram (R-5). The particulars of service rendered by him from the year 1990 to 1995 has been indicated in para 6.4 of the OA. The applicant submits that he performed sufficient work to qualify him as a Full time casual mazdoor. He filed OA.No.1313/94 when the respondent No.5 did not forward his

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application for recruitment to the post of Telegraphman. That OA was disposed of directing the TDM, Eluru to consider the case of the applicant herein for absorption ⁱⁿ ~~to~~ Group-D post in accordance with the rules from the date the post became/becomes available, provided the applicant has/had continuously completed more than one year of service in the department, and to fix the seniority of the applicants after such absorption in accordance with law. Even earlier to filing of the OA.1313/94 he was shown as Contract Labour from 31-12-95 onwards and he was continued as such.

3. This OA is filed praying for a direction to the respondents specially to R-5 to treat the applicant as casual employee till the completion of recruitment process of Group-D and declaration of result of the Telegraphman by deletion from the list of contractual and treating him even after 31-12-95 and pay him as a casual labour.

4. A reply has been filed in this OA. In the reply it is stated that the applicant was deputed to Telegraph Office, Bhimavaram by then Sr. Superintendent, Telegraph Traffic, Vijayawada Division, Vijayawada to work there as Part-time Sweeper-~~clerk~~-Waterman w.e.f., 25-10-90 for which sanction was available upto 28-2-94. The hours allotted to him were 06.00 to 09.00 and 15.00 to 18.00 hours i.e., 6 hours per day. He was paid wages on pro-rata basis and the sanctions were issued by SSTT-VJ under the provisions of Schedule XXIV of Schedule of Financial Powers upto 31-3-93. Thereafter the Bhimavaram Telegraph Office was bifurcated to RY-TT Division under the control of Superintendent, Telegraph Traffic, Rajahmundry Division, Rajahmundry w.e.f., 1-4-93. The then STT-RY countersigned the bills paid to the applicant upto 31-3-95. It is further submitted that the applicant was continued as a Contract Labour. His case for recruitment to the cadre of Gr-D

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vide letter No.E-8/94-95/XB dated 12-08-94 was considered by STT-Rajahmundry and the applicant was asked to submit a copy of the appointment order as Part-Time worker. But he failed to submit the same and filed this OA praying for interim direction. It is also stated that ^{an} ~~the~~ interim direction ^{had been} given in this OA that if any appointment is going to be made in regard to the post of Telegraphman is subject to the result in OA.1313/94. It is further submitted that the recruitment is still pending.


5. The OA.1313/94 had already been disposed of by order dated 26-08-97. ^{that} ~~That~~ direction given in ~~this~~ OA has been stated already. As per that direction in OA.1313/94 the applicant should also be considered for Gr-D post in accordance with rules. But the respondents viz., STT-Rajahmundry has asked the applicant to submit the order appointing him as a Part-time worker as he could not produce that order. It is stated that he cannot be considered for Group-D post.

6. In para-2 of the reply statement it has been clearly stated that the applicant was recruited as Part-time Sweeper-cum-Waterman w.e.f., 25-10-90 for which sanction was available upto 28-2-94. He was also paid for 6 hours per day in accordance with the Schedule ^{XXIV} of the Financial Powers. Further also he was continued to be engaged in Rajahmundry Division. Hence when the respondents themselves in their reply accept that he was engaged as a Part-time Sweeper-cum-Waterman there is no need for STT-Rajahmundry to ask the applicant to produce the order appointing as a Part-time worker. Hence it has to be held that the applicant was employed as a part-time worker initially and that makes him eligible for consideration to the recruitment to the cadre of Group-D. It is stated further that the recruitment to Group-D as Telegraphman is still pending. In view of that the applicant should also be considered along with others for the recruitment to the cadre of Group-D vide letter No.E-8/94-95/XB dated 12-08-94.

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

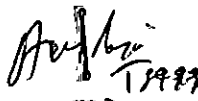
The applicant should be considered for recruitment to the cadre of Group-D in terms of letter No.E-8/94-95/XB dated 12-8-94 without insisting on him to produce a copy of the appointment order as a Part-time worker.

8. The OA is ordered accordingly. No costs.


(R. RANGARAJAN)
MEMBER (ADMN.)

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

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D.R. (J)

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Copy to:

1. The Secretary to Govt. of India,
Min. of Communications, New Delhi.
2. The Director General, Telecom, 28 Ashoka Road, New Delhi.
3. The Chief General Manager, Telecom, Andhra Pradesh,
Hyderabad.
4. The Telecom District Manager, Eluru.
5. The Junior Telecom Officer, Telegraph Office,
Bhimavaram.
6. One copy to Mr. U. R. S. Gurupadam, Advocate, CAT, Hyderabad.
7. One copy to Mr. V. Rajeswara Rao, Addl. CGSC, CAT, Hyderabad.
8. One copy to D. R. (A), CAT, Hyderabad.
9. One duplicate copy.

YLKR

29/9/97
TYPED BY
COMPILED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

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

AND

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

Dated: 21/8/92

ORDER/JUDGEMENT

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

in

C.A.NO. 1569/85

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

