

(EW)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No. 174/95.

Dt. of Decision : 15-11-95.

. Shaik Ali

.. Applicant.

Vs

1. Union of India, Rep. by
its Secretary, Min. of
Urban Development, Govt.
of India, Nirman Bhavan,
New Delhi-110 011.
2. Director General of Works,
CPWD, Nirman Bhavan,
New Delhi-110 011.
3. Superintendent Engineer,
Hyderabad Central Circle,
CPWD, Nirman Bhavan, Koti,
Hyderabad.
4. Executive Engineer, Hyderabad
Central Division, I, CPWD,
Nirman Bhavan, Koti,
Hyderabad.
5. Asst. Engineer, Hyderabad
Central Sub-Division 1/4,
NPA Campus, CPWD, Siverampalli,
Hyderabad.

.. Respondents.

Counsel for the Applicant

: Mr. P.B. Vijayakumar

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.)

ORDERAs per Hon'ble Shri Justice V.Neeladri Rao, Vice Chairman

Heard Shri P.B. Vijayakumar, learned counsel for the applicant and Shri N.R. Devraj, learned Standing Counsel for the respondents.

2. The applicant herein is continuously engaged in the office of the 5th respondent from 31-5-1991 on 'work order' basis. It is submitted for the applicant that after he filed this OA, the order of his re-engagement was issued and it is to the effect that he is engaged through an inter-mediary and in reality, he is working from 31-5-1991 as Driver of the Vehicle bearing Regn.No.ABD 1091 belonging to the office of the 5th respondent.

3. The plea of the respondents is that there is no 'Employer-employee' relationship, and hence, the question of regularisation of his services as a Driver, as prayed for in this OA, does not arise.

4. It is stated inter-alia in Govt. of India, Central Public Works Department, Dte. General of Works letter # No.34/17/93-EC.X dated 18.8.1993 as follows:

".....
.....

You are therefore, once again requested to send a list of all such daily rated Muster Roll workers engaged on hand receipt or work order or any other basis defying the existing Government instructions ensuring

inter-alia termination of the services of all such workers who have not completed 240 days of service in two consecutive years. Your probable demand requiring appointment of such workers may also be intimated to this Directorate.

Since the instructions with regard to absolute ban on engagement of workers on Muster Roll issued on 19.11.85 will also apply to any form of engagement of workers of daily rated including work order, you, are therefore, requested to follow the instructions quoted work order in future, no recruitment even on

5. There is no dispute in regard to the period for which the applicant worked by 18.8.93, the date of the letter referred to herein before; so, if it is not a case of working for less than 240 days in two consecutive years, and if the name of the applicant has not yet been forwarded in pursuance of the said letter, the name of the applicant has to be forwarded as observed in the letter dated 18.8.93.

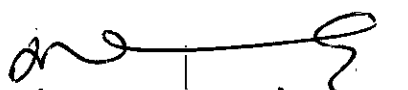
6. If the applicant is going to make representation in this regard to the Director General of Works, CPWD, through proper channel, he is free to do so, and if it is sent by 'Registered Post Acknowledgement due' to the concerned authority, the latter has to forward the said representation to Director General of Works, CPWD and the latter, i.e., Director General of Works, CPWD has to consider the representation of the applicant in accordance with the guidelines if any.

7. We, hence feel that this OA can be disposed of in the above manner with liberty to the applicant to file a fresh application under Sec.19 of the AT Act,

..4..

if he is so advised, in case he is not regularised.
It is needless to say that if there is work for
Driver, no fresher ~~mt~~ shall be engaged in preference
to the applicant.


8. OA is ordered accordingly. No costs.//


(R. RANGARAJAN)
Member (Admn)


(V. Neeladri Rao)
Vice Chairman

Dated: The 15th November, 1995

Dictated in the Open Court


Deputy Registrar(J)CC

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To

1. The Secretary, Min. of Urban Development,
Union of India, Govt. of India,
Nirman Bhavan, New Delhi-11.
2. The Director General of Works,
CPWD, Nirman Bhavan,
New Delhi-11.
3. The Superintendent Engineer,
Hyderabad Central Circle, CPWD,
Nirman Bhavan, Koti, Hyderabad.
4. The Executive Engineer, Hyderabad Central Division II,
CPWD, Nirman Bhavan, Koti, Hyderabad.
5. The Asst. Engineer, Hyderabad Central Sub Division 1/4
NPA Campus, CPWD, Sivarampalli,
Hyderabad.
6. One copy to Mr. P. B. Vijayakumar, Advocate, CAI. Hyd.
7. One copy to Mr. M. R. Devraj, Sr. C. C. CAI. Hyd.
8. One copy to Library, CAI. Hyd.
9. One spare copy.

pvm.

TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE V. NEELADRIRAO
VICE CHAIRMAN

AND

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

DATED: 15-11-1995

~~ORDER~~/JUDGMENT

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

in

O.A.No.

176/95

T.A.No.

(W.P.No.

Admitted and Interim directions
Issued.

Allowed.

Disposed of with directions.

~~Dismissed.~~

Dismissed as withdrawn.

Dismissed for default.

Ordered/Rejected.

No order as to costs.

pvm.

