

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A. 192/95.

Dt. of Decision : 15-11-95

B. Sattayya .. Applicant.

Vs

1. Union of India, Rep. by its Secretary, Min. of Urban Development, Govt. of India, Nirmal Bhawan, New Delhi - 110 011.
2. Director General of Works, CPWD, Nirmal Bhawan, New Delhi-110 011.
3. Superintendent Engineer, Hyderabad Central Circle, CPWD, Nirmal Bhawan, Koti, Hyderabad.
4. Executive Engineer, Hyderabad Central Division II, CPWD, Nirmal Bhawan, Koti, Hyderabad.
5. Asst. Engineer, CPWD, National Airport Authority Premises, Begumpet, Hyderabad. .. Respondents.

Counsel for the Applicant : Mr. P.B. Vijayakumar

Counsel for the Respondents : Mr. N.V. Reghava Reddy, Addl. CGSC.

CORAM:

THE HON'BLE SHRI JUSTICE V. MELADRI RAO : VICE CHAIRMAN
THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

ORDER

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

Heard Shri P.B. Vijayakumar, learned counsel for the applicant and Shri E.V. Raghava Reddy, learned Standing Counsel for the respondents.

2. The applicant herein worked as Driver on hand receipt basis from 23-5-90 to 30-5-90 and on work order basis from 1-6-90 till 31-8-94 in the office of the 4th respondent and from October, 1994, he is continuing in the office of RS till date. The Submission for the applicant is that from October, 1994, the order issued for his re-engagement is to the effect that he is engaged through an inter-mediaty, but, in reality, he is working from September, 1994 till date under respondent No.5 as a Driver of the vehicle bearing Regn.No.AP9 A 1481, 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 18.8.93 as follows:

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.....

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 scheduled recruitment 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 above and in future, no recruitment even on work order be made."

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 a 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

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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 shall be engaged in preference to the applicant.

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

CERTIFIED TO BE TRUE COPY

.....
Date..... 27/11/78
Court Officer
Central Administrative Tribunal
Hyderabad Bench
Hyderabad

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, CPWD, National Airport Authority Premises, Begumpet, Hyderabad.
6. One copy to Mr. P. B. Vijayakumar, Advocate, CAT. Hyd.
7. One copy to Mr. N. V. Raghava Reddy, Addl. CGSC, CAT. Hyd.
8. One copy to Library, CAT. Hyd.
9. One spare copy.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

M.A.NO. 824/96 in C.P.84/96
in O.A.192/95.

Between:

Date of Order: 20-9-96.

B.Sathaiah.

and

-- Applicant.

1. Sri K.K.Madhan

Director General of Works,
CPWD, Nirman Bhavan, New Delhi-11.

2. Sri Aravind Garg,

Executive Engineer, Hyderabad Central
Division-II, CPWD,
Nirman Bhavan, N Koti, Hyderabad.

.. Respondents.

For the Applicant: Mr. P.Naveen Rao, Advocate

For the Respondents: Mr. N.V.Raghava Reddy, Addl.CGSC.

CORAM:

THE HON'BLE MR.JUSTICE M.G.CHAUDHARI : VICE-CHAIRMAN

THE HON'BLE MR.H.RAJENDRA PRASAD : MEMBER(ADMN)

The Tribunal made the following Order:-

Mr.Phaniraj for Mr.P.Naveen Rao, for the applicant.

Prima-facie it appears that the applicant has submitted the representation on 18-11-1995. The respondents were expected to dispose of the representation by this time. In the circumstances, we direct the respondents to dispose of the representation in compliance with the original order by 30-11-1996.

M.A. is disposed of accordingly. No order as to costs.

Amal *swf*
Deputy Registrar (J) CC

C.P.84/96

To

1. Sri K.K.Madhan,
Director General of Works,
CPWD Nirman Bhavan, New Delhi-11.
2. Sri Aravind Garg, Executive Engineer,
Hyderabad Central Division-II
CPWD, Nirman Bhavan, Koti, Hyderabad.
3. One copy to Mr. P.Naveen Rao, Advocate, CAT.Hyd.
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23/9/96
2nd Order

I COURT

TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE M.G.CHAUDHARI
VICE-CHAIRMAN

AND

THE HON'BLE MR.H.RAJENDRA PRASAD:M(A)

Dated: 20-9-1996

ORDER / JUDGMENT

M.A.R.A./C.A. NO. 84/96 MA.824/96

in

O.A.No. 192/95

T.A.No. (w.p.)

Admitted and Interim Directions

Issued.

Allowed.

M.A.

Disposed of with directions

Dismissed

Dismissed as withdrawn.

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

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