

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

D.A. 207/95

Dt. of Decision : 15-11-95,

G. Rajender Rao

.. Applicant.

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 II, CPWD, Nirman Bhavan, Koti, Hyderabad.
5. Sub Division 2/6, Survey of India Campus, CPWD, Uppal, Hyderabad.

.. Respondents.

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

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

CORAM:

THE HON'BLE SHRI JUSTICE V. NELADRI 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 N.V. Raghava Reddy, learned Standing Counsel for the respondents.

2. The applicant herein was engaged as a Driver on work order basis in the office of the 4th respondent from 15.12.1988 to July, 1989 and then, as a Pump Operator in the office of the 5th respondent from 30-12-1989 to 23-5-90 and later, from October, 1990 onwards, again as a Driver on 'work order' basis in the office of the 5th respondent. It is alleged that he is being continued till today in one form that from 1.2.1995 onwards, the order issued for his engagement is to the effect that he is engaged through an inter-mediary, but, in reality, he is working from September, 1990, ^{to} till date as a Driver of the vehicle bearing Regn.No. AIH 3407 Matador belonging to 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:

".....

..... You are therefore once again requested to send a list of all such daily rated Muster Roll workers

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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 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., the 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~~ with liberty to the applicant

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to file a fresh application under Sec.19 of the AT Act, 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. //

UV

(R.RANGARAJAN)
Member (Admn)

X Neeladri
(V.NEELADRI RAO)
Vice-Chairman

Dated: The 15th November, 1995

Dictated in the Open Court

Amrit
Deputy Registrar (J) CC

To mvl

1. The Secretary, Min. of Urban Development,
Union of India, Govt. of India,
Nirman Bhawan, New Delhi-11.
2. The Director General of Works,
CPWD, Nirman Bhawan,
New Delhi-11.
3. The Superintendent engineer,
Hyderabad Central, CPWD.
4. The Executive Engineer, Hyderabad Central Division II,
CPWD, Nirman Bhawan, Koti, Hyderabad.
5. The Asst.Engineer, Hyderabad Central Sub Division 2/6,
Survey of India, Campus, CPWD, Uppal, Hyderabad.
6. One copy to Mr.P.S.Vijayakumar, Advocate, CAT.Hyd.
7. One copy to Mr. N.V.Raghava Reddy, Addl. GOSC, CAT.Hyd.
8. One copy to Library, CAT.Hyd.
9. One spare copy.

pvm.

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CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE V.NEELADRI RAO
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. 207/95

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.

No Spare Copy

p.v.m.

