

(24)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.219/95

DATE OF ORDER : 01-10-1997.

Between :-

1. P.Sreenivasulu
2. M.Abdullah

.. Applicants

And

1. The Supdt. (Telegraphs) Traffic,
Nellore Dn. Nellore.
2. The Supdt. Incharge, CTO,
Nellore Town,
Nellore A.P.,
3. The Chief Genl.Manager, AP Circle,
Doorsanchar Bhavan, Nampally Rd,
Hyderabad-1.
4. The Supdt. Incharge, CTO, Tirupati.

.. Respondents

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Counsel for the Applicants : Shri Krishna Devan

Counsel for the Respondents : Shri N.R.Devarej, Sr.CGSC

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CORAM:

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

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

(Order per Hon'ble Shri B.S.Jai Parameshwar, Member (J)).

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Jai

(Order per Hon'ble Shri R.Rangerajan, Member (A)).

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Heard Sri Surya Rao for Sri Krishna Devan, counsel for the applicant and Sri W.Satyanarayana for Sri N.R.Devaraj, standing counsel for respondents.

2. Though this OA is posted for today for considering the M.A., the direction petition, with the consent of the learned counsels for the parties we are finally disposing of this OA.

3. There are two applicants in this OA. The first applicant joined as part-time casual labourer in the office of Telecom, Madanapally Telegraph Office on 22-10-1988 and as such was working as Water man-cum-Sweeper-cum-Telecom Messenger-cum- Farash (presently he is working as part-time casual labourer in the office of Telecom Centre, Renigunta.) He claims to have been working for more than six hours per day and for more than 240 days in every year.

4. Likewise the second applicant also joined as part-time casual labourer on 29-3-1989 in the office of the DTO, Puttur. He also claims to have been working for 240 days in every year.

5. It is submitted that in order to absorb the applicants under Group-D vacancies, the respondents conducted the written and viva-voice test on 19-1-95 and 20-1-95 respectively and that they were successful and they were selected for appointment as Group-D category employees. They submit that the respondent No.2, by his memo dt.27-1-95, ordered both the applicants to join the Superintendent in-charge, CTO, Tirupati, for on job training, for

- 3 -

a week and for subsequent appointment. Accordingly, they completed that on job training on 7-2-95. Respondent No.2 issued orders to them to join/^{at}the prescribed stations such as Telecom Centre, Palmaner and Puler respectively.

6. However, the Superintendent, In-charge, CTO, Nellore ordered for stopping of both the applicants as Gr.D employees by his order bearing No.XT/1504/07 (Annexure A-3).

7. The applicants have filed this OA for a direction to the respondents to appoint both the applicants in their places of posting as per the memo dt.22.2.95.

8. An interim order was passed on 17.2.1995 with a direction that the applicants should be entrusted with the same duties with which they were entrusted by the time they were deputed for training if they ^{were} ~~are~~ not entrusted with such duties.

9. A counter has been filed stating that the applicants were not engaged on casual basis earlier to 22-6-1988, which is the cut off date for regularising the casual labourers and that therefore, the Superintendent In-charge, Nellore, ordered stopping entrusting duties to the applicants.


10. Admittedly, the applicants were engaged on casual basis after 22-6-88. Though the applicants were allowed to appear for the written test, they noticed the mistake on a complaint received by the Circle Secretary, Line Staff. Since the applicants were engaged on casual basis after 22-6-88 they could not have been considered for regularisation. Hence the Superintendent incharge

rightly ordered for stopping admittance of the applicants,
submit the respondents.

11. The learned counsel for the applicants submitted that they were not paid wages for the period they had worked. This grievance is a separate cause of action for which they have to file a separate O.A. So far as the regularisation or re-admitting them into the Department is concerned, they are not eligible to be regularised for they were not engaged on casual basis earlier to 22-6-88. Hence the applicants are not entitled to any of the reliefs. The O.A. is liable to be dismissed.

12. However, the dismissal of the O.A. will not stand in the way of the respondents to engage them on a casual basis, either full time or part-time, if there is need in preference to the freshers from the open market.

13. The OA is, therefore, dismissed. No costs.

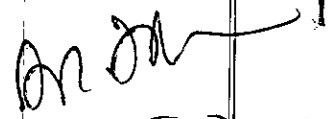

(B.S. JAI PARAMESHWAR)
Member (J)

1. X 97


(R. RANGARAJAN)
Member (A)

Dated: 1st October, 1997.
Dictated in Open Court.

sr/avl


D.R. (I)

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Copy to:

1. The Superintendent, (Telegraphs) Traffic,
Nellore Division, Nellore.
2. The Superintendent Incharge, CTO,
Nellore Town, Nellore.
3. The Chief General Manager, A.P. Circle,
Doorsanchar Bhavan, Nampally Road,
Hyderabad.
4. The Superintendent Incharge, CTO,
Tirupathi.
5. One copy to Mr. Krishna Devan, Advocate, CAT, Hyderabad.
6. One copy to Mr. N.R. Devraj, Sr. CGSC, CAT, Hyderabad.
7. One copy to HBSJP (M) (A), CAT, Hyderabad.
8. One copy to D.R(A), CAT, Hyderabad.
9. One duplicate copy.

YLKR

22/10/97

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

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

AND

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

Dated: 1/10/97

ORDER/JUDGMENT

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

in

O.A.NO. 219/95

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 अधिकरण Central Administrative Tribunal बेचन/DESPATCH 21 OCT 1997 हैदराबाद न्यायपीठ HYDERABAD BENCH
