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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

ORIGINAL APPLICATION NO.221 OF 1995

DATE OF ORDER: 17th February, 1998

BETWEEN:

1. CH.SREENIVASULU,
2. Y.SANTHAKUMAR

.. APPLICANTS

AND

1. The Superintendent, Telegraph Traffic,
Nellore Division,
Nellore 524 003,
2. The Superintendent-in-Charge,
Central Telegraph Office,
Nellore,
3. The Assistant Superintendent,
Telegraph Traffic, Telegraph Office,
Ongole-523 001,
4. The Deputy General Manager (DS),
Office of the Chief General Manager,
Telecommunications,
A.P.Circle, Hyderabad-500001,
5. The Chief General Manager,
Telecommunications,
A.P.Circle, Hyderabad 500001,
6. Union of India represented by
the Director General,
Telecommunications,
Sanchar Bhavan,
New Delhi 110001.

.. RESPONDENTS

COUNSEL FOR THE APPLICANTS: Mr.TVVS MURTHY

COUNSEL FOR THE RESPONDENTS: Mr.Kota Bhaskar Rao, Addl.CGSC

CORAM:

HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

HON'BLE SHRI B.S.JAI PARAMESHWAR, MEMBER (JUDL.)

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JUDGEMENT

ORAL ORDER (PER HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

Heard Mr.TVVS Murthy, learned counsel for the applicants and Ms. Shama for Mr.K.Bhaskara Rao, learned standing counsel for the respondents.

2. There are two applicants in this OA. The 1st applicant was engaged as Part Time Casual Mazdoor in the Telegraph Office at Markapur from 20.10.88 and the 2nd applicant was engaged as Part Time Casual Mazdoor in the same Telegraph Office with effect from 22.12.88. Earlier, the 2nd applicant was engaged as Call Boy Messenger from 21.5.85 and it is stated that he ^{had} ~~was~~ put in about 185 days of service. It is further submitted that on being ^{they were} recommended ~~as~~ successful in the written and oral tests held on 19.1.95 and 20.1.95 by the DPC. Both the applicants were directed to report to the ASTT, Ongole (R-3 herein) on 1.2.95 for 'On Job' training for one week and subsequent appointment as Test Category Group 'D' officials. It is stated that they underwent the training. But when they completed their 'On Job' training on 7.2.95, R-2 herein issued a Service Telegram No.XT/1722 dated 7.2.95 (Annexure A9) stating that as per the oral instructions of the Deputy General Manager (DS), Office of the CGMT, A.P.Circle, Hyderabad (R-4 herein) the postings issued to the applicants by R-1 in Memo No.E/Gr-D/Rectt/94-95/32 dated 2.2.95 (Annexure A6) are kept in abeyance, until further

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instructions. That was communicated to the applicants by R-3 by his letter NO.E-4/48/Rectt/94-95 dated 7.2.95 (Annexures A-10 and A-11). Hence both of them were not allowed to work as Group-D officials from 8.2.95 in pursuance of the posting orders issued by R-1.

3. This OA is filed to set aside the order issued by R-2 in his Service Message No.XT/1722 dated 7.2.95 (Annexure A-9) in pursuance to the purported oral instructions of R-4 and the orders issued by R-3 in his letter No.E4/48/Rectt/94-95 dted 7.2.95 (Annexures A-10 and A-11) and for consequential direction to the respondents to appoint the applicants as Group-D officials and to allow them to work as Group-D officials as per the appointment and posting orders already issued by R-1 by his memo No.E/Gr.D/kRecttt/94-95/32 dated 27.1.95 and 2.2.95 (Annexures A-5 and A-6).

4. An interim order was issued in this OA on 17.2.95 whereby "until further orders, the applicants shall be entrusted with the same duties with which they were entrusted before they were sent for training if they are not entrusted with such duties".

5. It is stated that in view of the interim order, the applicants are continued as Part Time Casual Mazdoors.

6. A reply has been filed in this OA. The main reason for oral instruction to stop the applicants for being posted as regular Group-D officials was due to the fact that the applicants were engaged in the Department

subsequent to 28.6.88 and as such they did not comply with the conditions stated in Para 3 of the reply affidavit.

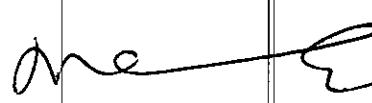
7. A rejoinder has been filed in this OA. But we do the parties in this OA as the Ministry of Communications has submitted before the Apex Court in Civil Appeal No.360-361/94 which was disposed of on 2.4.97 that the Part Time Casual Labour will be absorbed in Group-D posts as per the instructions set out in the letter dated 17.5.89. As per this letter, the Part Time Casual Labour are also entitled for absorption.

8. In view of the above categorical submission of the Ministry of Communications before the Apex Court, there is no need to give any direction in this OA except to observe that the respondent authorities in this OA shall abide by the submission made by the Ministry of Communications before the Supreme Court in C.A.Nos.360-361/94 as extracted above.

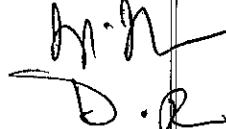
9. With the above observation, the OA is disposed of. No order as to costs.


(B.S. JAI PARAMESHWAR)
MEMBER (JUDL.)

17.2.98


(R. RANGARAJAN)
MEMBER (ADMN.)

DATED: 17th February, 1998
Dictated in the open court.


vsn

DA.221/95

Copy to:-

1. The Superintendent, Telegraph Traffic, Nellore Division, Nellore.
2. The Superintendent-in-Charge, Central Telegraph Office, Nellore.
3. The Assistant Superintendent, Telegraph Traffic, Telegraph Office, Ongole.
4. The Deputy General Manager (OS), O/o The Chief General Manager, Telecommunications, A.P.Circle, Hyderabad.
5. The Chief General Manager, Telecommunications, A.P.Circle, Hyderabad.
6. The Director General, Telecommunications, Sanchay Bhawan, New Delhi.
7. One copy to Mr.TVVS.Murthy, Advocate, CAT., Hyd.
8. One copy to Mr. K.Bhaskar Rao, Addl.CGSC., CAT., Hyd.
9. One copy to D.R.(A), CAT., Hyd.
10. One duplicate copy.

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COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

AND

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

DATED: 17/2/98

ORDER/JUDGMENT

M.B./R.H./C.R.NO.

in
C.R.NO. 221/95

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS.

II COURT

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केन्द्रीय प्रशासनिक अधिकारी
Central Administrative Tribunal

DESPATCH

23 FEB 1998

हैदराबाद न्यायपीठ
HYDERABAD BENCH