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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.304/95.

DATE OF ORDER : 04-07-1997.

Between :-

Murala Narendranadh

... Applicant

And

1. The Secretary to Govt. of India,
M/o Communications, New Delhi.
2. The Director General, Telecom,
Sanchar Bhavan, 20, Ashoka Rd,
New Delhi-110 001.
3. The Chief General Manager, Telecom,
Andhra Pradesh, Hyd-1.
4. The General Manager, Telecom,
Visakhapatnam-530 003.
5. The Telecom District Manager,
Eluru-534 050.
6. The Superintendent, Telegraph
Traffic Dn. Rajahmundry-533 104.
7. The Chief Telegraph Master-in-charge,
Telegraph Office, Palakolli-534 260.

... Respondents

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Counsel for the Applicant : Shri URS Gurupadam

Counsel for the Respondents : Shri NR Devaraj, Sr.CGSC

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CORAM:

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

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

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RV

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

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Heard Sri URS Gurupadam, counsel for the applicant and Sri N.R.Devaraj, standing counsel for the respondents.

2. Though this OA is not listed today, with the consent of both the parties it is disposed of today as the contentions and prayer are similar to the OA 305/95, which is disposed of today.

3. The limited prayer in this OA is to continue him as part time Sweeper-cum-Waterman till the Group D selection for which notification dt.30-7-94 was issued is completed including the announcement of result. The applicant is not pressing for any other relief such as to treat him as full time casual mazdoor and relief on that basis.

4. A reply has been filed in this OA. The respondents submit that the applicant was not regularly recruited/appointed by the department. He is only a contingent worker engaged at Telegraph Office, Pala-/^{kollu} for doing contingent nature of works. The Telegraph Office at Pala-/^{kollu} which was earlier under the control of SST, Vijayawada was brought under the control of STT Rajahmundry Division. It is further stated that the applicant was not to be considered as per the notification issued for recruitment to Group-D by STT, Rajahmundry; but on the basis of direction given by this Tribunal applicant's application was received and kept on record for consideration to recruitment to Group-D. The recruitment cannot be completed for want of certain clarifications on the matter from the higher authorities.

5. It is also submitted by the Respondents that it was under consideration to entrust the contingent nature of work to the Agencies on Contract basis but the same is not finalised. The applicant is at liberty to opt for the scheme to work through these Agencies. The applicant is engaged purely on contingent basis as and when need arises and as such he is not eligible for Group-D appointment.

6. The applicant has filed a rejoinder. In this rejoinder he states that he was recruited by a competent authority but there is no proof to the effect. However, the respondents have accepted that his application for the Group-D post, for which he applied in pursuance of the notification dt.30-7-94 has been received and kept on record for consideration. The learned counsel for the applicant submits that he cannot opt to join the Contract Agencies as that will harm his interests and his status as casual worker will also be cancelled, if he opts for the scheme. He prefers to continue in the present status till the Group-D recruitment process is finalised.

7. On hearing both sides I am of the opinion that it is not for the respondents to ask him to join the contractor Agency. An interim order has already been given in this OA on 8-3-95. This interim order reads as follows :-

"Till which date we order that status-quo as on today regarding the continuance of the applicant in casual service be maintained."

That interim order is still in force. In view of the above interim order the applicant should be continued in the present status till the Group-D selection is finalised and results are

announced. The learned counsel for the respondents also agree.4.

to comply with the above directions.

8. In view of the above interim order dt.8-3-95 extracted above, the applicant is to be continued till the selection for Group-D posts for which notification dt.30-7-94 was issued is finalised.

9. The Original Application is ordered accordingly.

No order as to costs.



(R. RANGARAJAN)
Member (A)

Dated: 4th July, 1997.
Dictated in Open Court.

avl/

Handwritten signature
D.R.(J) 77732

27/97

(11)

TYPED BY
COMPILED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDRABAD

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

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR: M
(3)

DATED: 4/7/82

ORDER/JUDGEMENT

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

in

O.A.NO. 304/95

Admitted and Interim directions
Issued.

Allowed

Disposed of with directions.

Dismissed

Dismissed as withdrawn

Dismissed for default

Decided/Rejected.

No order as to costs.

YLKR

II Court.

केन्द्रीय प्रशासनिक न्यायालय
Central Administrative Tribunal
HYDRABAD
HYDRABAD PENCH