

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.305/95

DATE OF ORDER : 04-07-1997.

Between :-

Manda Srinivasa Rao

... Applicant

And

1. The Secretary to the Govt. of India,
M/o Communications, New Delhi - 110 001.
2. The Director General, Telecom,
Sanchar Bhavan,
20, Ashoka Road, New Delhi-110 001.
3. The Chief General Manager, Telecom,
AP, Hyd-1.
4. The Telecom District Manager,
Eluru - 534 050.
5. The Telecom District Manager,
Eluru - 534 050.
6. The Superintendent, Telegraph Traffic Dn.,
Rajahmundry - 533 104.
7. The Chief Telegraphmaster-in-charge,
Telegraph Office, Palakolliu - 534 260.

... Respondents

Counsel for the Applicant : Shri URS Gurupadam

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

CORAM:

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

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

... 2.

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

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

2. The applicant in this OA submits that he was engaged as a part time Sweeper cum Waterman by the Sr.Superintendent of Post Offices, Telegraph Traffic Division and was allotted to Telecom Division, Narsapur on 9-2-92. A notification No.Est.22/94-95 dt.30-7-94 was issued calling for applications for recruitment to Group-D as Telegraphman in this Division from all eligible candidates who had fulfilled the conditions laid down in that notification. It is stated that the application of the applicant was not accepted by Respondent No.7 under oral instructions from Respondent No.6. The applicant thereafter filed OA 983/94 on the file of this Bench for issuance of suitable instructions to Respondent No.6 to accept and consider his application for the above said Group-D post. That OA was admitted on 23-11-94 with an interim order to the effect that "any appointment that is going to be made in pursuance impugned notification will be subject to the result in that OA". It is stated that his application was accepted and the recruitment process is not yet completed. In the meantime the applicant apprehends that a proposal is being mooted to replace the part time staff by entrusting the work to Contractor. The applicant fears ^{that} the arrangement contemplated through the Contractor will deprive him his legitimate right of his consequential absorption in the regular cadre if he agrees to go as a worker under the contractor.

3. Aggrieved by the above, he has filed this OA praying for a suitable direction to allow him to continue ^{him} as part-time Sweeper-cum-Waterman till the recruitment process is xxxx xxxx xxxx xxx

completed and the result thereof is announced.

4. From the above narration of the facts it is clear that 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.

5. 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 Telecom Centre, Narsapur for doing contingent nature of works. The Telecom Centre at Narsapur, which was earlier under the control of SST, Vijayawada was brought under the control of STT Rajahmundry w.e.f. 1-3-93 consequent on the re-organisation of Tele Traffic 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.

6. 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.

7. 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 ^{as} 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.

8. 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 to comply with the above directions.

9. 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.

10. The Original Application is ordered accordingly.

No order as to costs.



(R. RANGARAJAN)
Member (A)

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

avl/


D.R.(J)

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24/7/92 (10)

TYPED BY
COMPILED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

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

AND

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

DATED 4/7/92

ORDER/JUDGEMENT

M.A./P.A/C.A. NO.

in
J.A. NO. 305/95

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

TI Court

केन्द्रीय प्रशासनिक न्यायालय
Central Administrative Tribunal

प्रेषण / DISPATCH

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हैदराबाद न्याय
HYDERABAD BEN