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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:  
AT HYDERABAD

ORIGINAL APPLICATION NO. 353 of 1995

DATE OF ORDER: 30th December, 1997

BETWEEN:

CH. VENKATA RAO

.. APPLICANT

AND

Ministry of 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,  
Andhra Pradesh, Hyderabad 500001,
4. The General Manager, Telecom,  
Visakhapatnam 530 003,
5. The Telecom District Manager,  
Eluru 534 050,
6. The Superintendent of Telegraph Traffic Dn,  
Rajahmundry 533 104,
7. The Asst. Superintendent of  
Telegraph Traffic I/C,  
D.T.O., Tanuku 534 211,

.. RESPONDENTS

COUNSEL FOR THE APPLICANT: Mr. URS GURUPADAM

COUNSEL FOR THE RESPONDENTS: Mr. NV RAGHAVA REDDY, Adl. CGSC

CORAM:

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

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

JUDGEMENT

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

Heard Mr. URS Gurupadam, learned counsel for the applicant and Mr. N.V. Raghava Reddy, learned standing counsel for the respondents.

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2. The applicant in this OA was engaged as Casual Mazdoor under Sub Divisional Officer, Telecom, Tanuku from 6.1.82. He worked in that capacity for 41 days as per Annexure-II enclosed to the OA at page 12. Thereafter he was discharged. The applicant submits that by the order NO.A.15/87-88 dated 18.4.87 he was further engaged as a Part Time Casual Mazdoor provisionally and worked as Telegraphman with effect from 1.11.86 for six hours per day including sundays and holidays as per the Office Order referred to above (Annexure-II at Page 13 to the OA). It is stated that the selection for the posts in Group-D is going considered for that post.

3. This OA is filed to consider the applicant for recruitment to Group-D as Telegraphman in Rajahmundry Telegraph Division.

4. An interim order was passed in this OA on 3.5.95. The interim order reads as follows:-

"The applicant also has to be considered along with the eligible other candidates for the post of Group-D in Traffic wing. If the applicant is selected, one post has to be kept vacant; but no order of appointment should be given to the applicant until further orders"

5. A reply has been filed in this OA. The respondents submit that the applicant had worked as Casual Mazdoor for a period of 41 days only from 6.1.82 to 16.2.82 under SDOT,

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Tanuku and thereafter he was not engaged. Once again the applicant has been engaged as Part Time Labourer in Telegraph Office, Tanuku by the Telegraph Master Incharge of Telegraph Office, Tanuku temporarily to perform contingency duties such as sweeper and waterman for six hours in a day. Later his services have been used for delivery of telegrams with the other working conditions, such as working hours etc., remaining the same. They ~~claim that engagement as above is not covered by any~~ statutory Recruitment Rules. Further, the letter No.A15/87-88 dated 18.4.87 of Telegraph Master I/C, Telegraph Office, Tanuku and No.A.15/A/CVR/TQ/88-89 dated 27.6.88 of Telegraph Master, Telegraph Office, Tanuku (Page 15 to the OA) cannot be treated as appointment orders as ~~the telegraph master~~ cannot make such appointments. It is the SSTM, Vijayawada who was competent to make such appointments in case of such contingency arising in his jurisdiction. It is further stated that the notification issued by SSTM, Rajahmundry, for recruitment to Group-D Telegraphman was subsequently cancelled as all the Group-D posts are reserved for regularisation of Temporary Status Mazdoors. The applicant is not entitled for consideration for regularisation as he is not a casual labourer but only a part-time labourer.

6. For the reasons stated above, the respondents submit that the OA is only liable to be dismissed.

7. If the Telegraph Incharge is not competent to issue the engagement order as per Anexure-II at pages 13 and 15, such order should have been cancelled by the higher

*[Signature]*

*[Signature]*

authorities without waiting any further. Those orders were issued in the years 1987 and 1988. The applicant got interim order in this OA only on 3.5.95. It is not understood why irregular appointment as stated by the applicant was allowed to continue from 1988 to 1995. That itself shows that the respondents are not careful in implementing the orders. Having allowed the applicant to work from 1988 to 1995 they cannot now turn back and say that the engagement is irregular and hence the applicant cannot be considered against a Group-D post advertised for filling up.

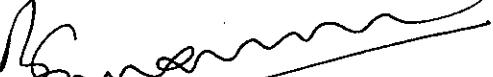
8. Further, the respondents submit that the notification for Group-D selection issued by SSTT, Rajahmundry has been cancelled. But no details or cancellation notification has been enclosed to the reply. The learned counsel for the applicant submits that the cancellation order has not yet been issued and hence the statement is incorrect.

9. In view of the various discrepancies committed by the respondents, the interim order already given should be continued till Group-D selection for which the notification issued by the SSTT is finalised. In case the said notification cancelling the selection for Group-D post is already issued, then the applicant cannot demand for consideration for Group-D post as there is no selection on hand now. In that case, the respondents may take appropriate action as they deem fit in regard to continuance of the applicant in the Part Time post.

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

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

30.12.97

  
(R.RANGARAJAN)  
MEMBER (ADMN.)

  
DR

DATED: 30th December, 1997

vsn

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TYPED BY  
COMPIRED BY

II Court  
CHECKED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE  
VICE-CHAIRMAN

AND  
Mr. R. Rangarajan  
THE HON'BLE MR. JUSTICE  
M(A)

And  
The Hon'ble Mr. B. S. Jai Parameshwar  
DATED: 30/12/1997 M(J)

ORDER/JUDGMENT:

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

in

O.A.No. 353/95

T.A.No.

(W.P.)

Admitted and Interim directions  
Issued.

Allowed

Disposed of with direction

Dismissed.

Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

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