

(16)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD  
O.A.NO. 417/95.

Date of Order: 6-9-1995.

Between:

**Kondaiah**

•• Applicant

and

1. The Chief Labour Commissioner,  
Government of India, Ministry of Labour, New Delhi.
2. The Regional Commissioner of Labour,  
Central, Hyderabad.
3. The Assistant Labour Commissioner,  
Central, Vijayawada.

Respondents:

For the Applicant :- Mr. G. Bikshapathi, Advocate.

For the Respondents: Mr. N.V. Raghava Reddy, CGSC,  
Sr./Add. CGSC

CORAM:

THE HON'BLE MR.JUSTICE V.NEELADRI RAO : VICE-CHAIRMAN

THE HON'BLE MR.JUSTICE V.NEELADRI RAO : MEMBER(ADMIN)  
THE HON'BLE SHRI A.B.GORTHI, MEMBER ADMINISTRATIVE.

## Judgement

( As per Hon. Mr. Justice V. Neeladri Rao, VC )

Heard learned counsel for the applicant and Sri N.V. Raghava Reddy, learned counsel for the respondents.

2. The applicant worked as Part-time Chowkidar under R-3 office for 10 years by the time he was discharged. This OA was filed praying for declaration that the action of R-3 in dispensing with the services of the applicant with effect from 1-12-1994 is illegal and arbitrary and consequently direct the respondents to reinstate him into service with back wages and to provide regular scale of pay to the applicant from the date of his initial engagement.// The allegation of the applicant that he worked for 10 years is not admitted by the respondents. It is further stated for the respondents that the post of part-time chowkidar was abolished and sanction is not given for the post of Part-time or full time chowkidars for the office of Assistant Labour Commissioner Vijayawada as per the Admn.II/29(4)/95 dated 10/15-5-1995 (produced for perusal and it is returned after perusing it).

3. It is submitted for the applicant that as and when the post of part-time/full time chowkidar is going to be sanctioned the said post has to be offered to the applicant. But the learned counsel for the respondents stated that the case of the applicant may be directed to consider as per the extant rules if and when such post is sanctioned.

4. In the circumstances we feel that it is just and proper to pass the following order :

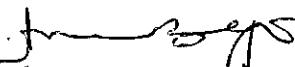
If the post of part-time/full time chowkidar is going to be sanctioned for the office of R-3, the same had to be

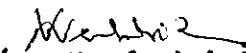
✓

18

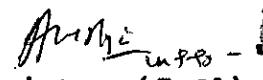
offered to the applicant first, if  by then he is going to be within the maximum age. For consideration in regard to the maximum age, <sup>which is</sup> ~~the wages~~ to the extent of half of the period of service of the applicant as part-time chowkidars has to be given.

5. The OA is ordered accordingly. No costs. //

  
(A.B. Gorthi)  
Member (Admn)

  
(V. Neeladri Rao)  
Vice Chairman

Dated : September 6, 95  
Dictated in Open Court

  
Dy. Registrar (Judl)

sk

Copy to:-

1. The Chief Labour Commissioner,  
Government of India, Ministry of Labour,  
New Delhi.
2. The Regional Commissioner of  
Labour, Central, Hyderabad.
3. The Assistant Labour Commissioner,  
Central, Vijayawada.
4. Copy to Mr. G. Bikshapathi, Advocate, 16-9-749/41,  
Race Course Road, Old Malakpet, Hyderabad-36.
5. One copy to Mr. N. V. Raghava Reddy, CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

kku.

09.4/7/95

TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD.

THE HON'BLE MR.JUSTICE V.NEELADRI RAO  
VICE-CHAIRMAN

and

THE HON'BLE MR.R.RANGARAJAN : M(ADMN)

DATED: - 6-9 -1995.

ORDER/JUDGMENT.

M.A./R.A/C.A.No.

in

C.A.No.

R.A.No.

4/7/95

(W.P.)

Admitted and Interim Directions  
Issued.

Allowed

Disposed of with directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

No order as to costs.

No spare copy

pvm.

