

34

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A. 453/95.

1. G.Venkatesh
2. D.Narsing Rao
3. M.Srinivas
4. M.Sreedhar
5. N.Yadav Rao
6. D.Krishna
7. C.Srinivas
8. P.Narshing
9. P.Laxman
10.P.Ramesh
11.K.Kistaiah
12.Eswaramma.N.
13. Kousalya.N
14.Mallamma.G.
15. Susheela
16. A.Subhadra
17. T.Ramulamma
18. V.Narshing
19. P.Anjaiah
20. T.Yadaiah
21. B.Ashok
22. G.Krishna
23. M.Shamrao
24. R.Raju
25. E.Venkatesh
26. K.Ramulu
27. T.Shankaraiah

.. Applicants.

Vs

1. The Government of India,
Ministry of Defence, New Delhi
Rep. by its Secretary.
2. The Director General,
Defence Research and Development
Organisation, New Delhi.
3. The Director,
Defence Electronics Research
Laboratory, Chandrayanagutta,
Hyderabad.

.. Respondents.

Counsel for the applicants : Mr.S.Laxma Reddy

Counsel for the respondents : Mr.V.Rajeswara Rao for
Mr.N.V.Ramana, Addl.CGSC.

CORAM:

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

-2-

ORDER

Heard Mr.S.Laxma Reddy, learned counsel for the applicant and Mr.V.Rajeswara Rao for Mr.N.V.Ramana, learned counsel for the respondents.

2. There are 27 applicants in this OA. They submit that they were recruited as Casual Labour/during various spells and some of them have completed more than 15 years of service and others though less than 15 years, all of them ^{have} completed more than 5 years of service. The service particulars are given at Page-16 of the OA. This Annexure gives the date of joining, qualification and age etc., The applicants submit that the procedure of regularising them in the posts have been stipulated in OM.No. 49014/18/84-Establishment (C) dated 7-5-85 by the Ministry of Personnel and Training, Administration, Reforms and Public Grievances and Pensions (Department of Personnel and Training). Subsequently another OM was issued bearing No.49014/2/86-Estt.-C dated 7-6-88 laying down procedure for regularisation of the casual employees recruited during ban period or otherwise. One of the conditions in the said memo was that the employees should have been sponsored through employment exchange. But that condition was relaxed and a memorandum was issued by R-1 by his Memo No.49014/90-Establishment (C) dated 8-4-91 giving exemption to the casual employees, who were engaged prior to 7-6-88, ^{thereby} permitting the regularisation of casual employees even though they were not sponsored ~~by~~ through the employment exchange. In spite of the fact that they have completed long years of service and the Director has also agreed to collect the information of all casual labourers who were employed and ~~now~~ asking for consideration for regularisation of service in terms of the above said circular, ^{no} adequate action was taken in this regard. It is also stated that all applicants including others were issued individual call letters directing them to produce the necessary documents mentioned therein in Letter



..

No. DLRL/410009/92 dated 19-2-93 with the stipulation to submit their relevant information on or before 5-3-93. The applicants ~~however~~ ~~they~~ ~~xx~~ submitted that all the documents as called for in that letter. It is further submitted that recently some employees were issued orders of the regular appointment on 7-1-95 whereas the applicants herein were not given the benefit of regularisation or appointment nor were ~~they~~ ~~xx~~ given the benefit of 1/30th of pay of regular scales of pay though they are engaged in regular nature of job under R-3. They had worked for 240/206 days in an year and they are fully eligible ^{and} ~~or~~ qualified for regularisation of their services either as a Group-D or Group-C posts against which they are working or against other suitable posts.

3. This CA is filed praying for a declaration that the action of the respondents in not regularising the services of the applicants herein into regular Group-D posts or any other suitable posts in terms of O.M.No.49014/2/86-Establishment-E dated 8-4-91 and also not paying them the regular scales of pay is arbitrary and for a consequential direction to the respondents to regularise their services in Group-D or in any other suitable posts with all consequential benefits.

4. The respondents have filed their reply. Though in para-2 of the reply it is stated that the applicants herein are not Central Government Employees and hence the Tribunal has no jurisdiction to entertain their cases, other paragraphs shows that they are engaged as Casual workers. The statement is contradictory. However the learned counsel for the respondents submitted that they are casual labourers engaged under the department. But they are not fulfilling the qualification required for regularising them and absorbing them following the guidelines of O.M.No.49014/2/86-Estt.-C dated 7-6-88. It is further elaborated in the reply that some of them do not possess the necessary educational qualification and some of the certificates produced in regard to educational qualification are not genuine and some of them have not produced educational qualification.

One of the applicant's verification report is pending with the District Educational Officer. It is also stated that ~~there~~ there are no vacancy for regularisation of the applicants as the Laboratory had only few Group-D vacancies ^{and} had required minimum qualification is 8th standard pass. // The present OA is filed praying for a direction to the respondents to regularise the services of the applicants herein in accordance with law. // It is not the case of the applicants that they should be regularised even if they do not possess the necessary qualification. They themselves stated that they possess the necessary qualification. In view of that when the respondents themselves admit that they will regularise their cases in accordance with law, ^{no} ~~no~~ further question arises in this OA. If the case of the applicants are being rejected for want of qualification and for other reasons then the applicants have a right to challenge that order as and when it arises. They cannot now ask for a declaration in this OA to ^{refrain} _{intervene} engage them, considering other issues in regard to the educational qualification etc.. Such a prayer cannot be countenanced in this OA as that will arise only ^{if} _{in} the case ^{is} rejected for regularisation, and on that date. // The learned counsel for the respondents submitted that the case of the applicants for regularisation will be considered in accordance with rules. If the applicants are not regularised so far they should now submit a representation to the respondents to regularise them in view of the submission herein quoting the previous correspondance wherein they had submitted the required documents to the respondents. It is needless to say that the respondents on receipt of the representations will dispose ~~of~~ ^{of} them in accordance with law. If the applicants are going to be aggrieved by the reply to be given to their representations for rejecting ~~themselves~~ ^{by} their cases for

regularisation then they may approach the judicial forum if so advised in accordance with law/rule. // Hence, this OA is disposed of noting the submission of the respondents' counsel that all the applicants herein will be considered for regularisation in accordance with rule as and when their turn comes. ^{As} The respondents themselves admit that they will be considered, no further order is required as this OA is filed mainly for the purpose of declaring ~~them~~ that they are eligible for regularisation. Though the applicants prayed in this OA for paying regular scales of pay it is not clear ^{as} to the intention in asking that relief. It is upto them ^{to} make the intention clear to the respondents and the respondents will decide if they approach them in accordance with law. No costs.



(R. RANGARAJAN)
MEMBER (ADMN.)

*Prabhat
23/6/97.*
Dy. Registrar (S)

Dated : The 13th June 1997.
(Dictated in the Open Court)

spr

Copy to:-

1. The Secretary, Ministry of Defence, Govt. of India, New Delhi.
2. The Director General, Defence Research and Development Organisation, New Delhi.
3. The Director, Defence Electronics Research Laboratory, Chandrayanagutta, Hyd.
4. One copy to Sri. S.Laxma Reddy, advocate, CAT, Hyd.
5. One copy to Sri. N.V.Ramana, Addl. CGSC, CAT, Hyd.
6. One copy to Deputy Registrar(A), CAT, Hyd.
7. One spare copy.

Rsm/-

SP/2
10/7/97

(A)

HYD

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

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

AND

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

DATED

13/6/97

ORDER/JUDGEMENT

M.A./R.A./C.A./N.J.

O.A. NO.

453/97

Admitted and Interim directions
Issued.

Allowed

Dismissed with directions.

Dismissed

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected.

No order as to costs.

YLR

II Court.

