

(18)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:  
AT HYDERABAD.

O.A.NO. 461/95

DATE OF JUDGMENT: 22-6-95.

BETWEEN:

1. Achi Anjaneyulu.
2. Kum.G.Anjanadevi.
3. P.Srinivasa Rao.

.. Applicants.

and

1. The Union of India rep. by its Secretary to Govt. of India, Min. of Communications, Dept. of Communications, Central Secretariat, New Delhi.
2. The Director General, Telecommunications, Samachar Bhavan, New Delhi.
3. The Chief General Manager, Telecommunications, A.P. Circle, Door Sanchar Bhavan, Abids, Hyd.
4. The Superintendent, Telegraph Traffic, Guntur Division, Guntur.
5. The Departmental Telegraph Office, Ongole, Prakasam Dist.
6. The Sub Divisional Officer, Telecommunications, Chirala, Guntur Dist.

.. Respondents.

COUNSEL FOR THE APPLICANT: SHRI V.Venkateswar Rao.

COUNSEL FOR THE RESPONDENTS: SHRI N.V.Ramana.  
Sr./Addl.CGSC.

CORAM:

HON'BLE SHRI JUSTICE V.NEELADRI RAO, VICE CHAIRMAN

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

CONTD....

O.A.No.461/95.

Date: 26-1995.

J U D G M E N T

[ as per Hon'ble Sri R.Rangarajan, Member(Administrative) ]

Heard.

2. There are three applicants in this OA who are working as Physically Handicapped Public Telephone Attendants to operate the Public Telephones installed in the Departmental Telegraph Office, Tenali with effect from 3.12.1987 and 24.3.1986. Their main prayer is for a direction to the respondents to absorb them as Casual Labourers by applying the Casual Labour (Grant of Temporary status and Regularisation) Scheme, 1989 in terms of this Tribunal's judgment dt. 1.2.1995 in O.A.No.187/94 and batch with all consequential benefits such as seniority, grant of temporary status, regularisation etc.

3. The directions given in the case of Physically handicapped Public Telephone Attendants in OAs 187/94 and batch are given in paras-9 to 11 of the judgment referred to above. The said paragraphs are reproduced below:-

"9. Taking into consideration the aforesaid facts, we must first observe that we cannot accede to the applicant's request to direct the respondents to regularise them against Group 'C' posts. Further, we are of the view that the decision of the respondents to extend the Casual Labour (Temporary status and Regularisation) Scheme 1989, to the applicants is just and fair. We do not however find any justification for the respondents decision to consider the cases of the applicants for grant of Temporary status only after they acquired the status of Casual Labour. The application of the scheme to such of those applicants who opt for it would no doubt be prospective only and cannot have retrospective

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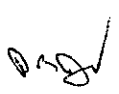
effect. But in considering the cases of the applicants for grant of temporary status, the Respondents must take into consideration the total continuous service rendered by the applicants from the date of their casual engagement. Those who become eligible for grant of Temporary status in accordance with the terms of the scheme would be granted that status retrospectively with effect from the due date but any consequential benefits flowing therefrom would be available to the applicants only from the date of their exercising option to come under the scheme for casual labourers. There shall be no recovery from any of the applicants from the amounts of Commission already paid to the applicants. We direct accordingly.

10. All the applicants who opt for and are brought under the scheme will have to be considered for regular absorption in Group 'D' posts in accordance with their seniority and as per the scheme/relevant instructions. In considering them for absorption against regular posts, it is expected that the respondents would bear in mind the physical disability afflicting each of the applicants.

11. Another issue pressed before us is about the present placement of the applicants. Learned counsel for the applicants pleaded that even after the applicants exercising option, they should not be removed from their present assignments and placed in such other assignments which are usually given to Casual Labourers. The respondents counsel opposed this plea on the ground that once the applicants acquired the status of Casual Labour, it should be left open to the respondents to take work from them wherever necessary keeping in view, however, the disability of the applicants. There can be no doubt that it is for the respondents to decide as to how the service of the applicants should

...4/-





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be utilised but there can be no denying the fact, in the present case, that the applicants have been working as Telephone Attendants for long periods. It is thus apparent there is a requirement for manning telephone booths, and also there does not seem to be any proposal to wind up these telephone booths. In these circumstances, the respondents are directed not to disturb the applicants from their present assignments, so far as the exigencies of the services permit, till the applicants come up for absorption against regular posts."


4. There is no dispute in regard to the fact that the applicants herein are similarly situated as applicants in OA No.187/94 and batch.

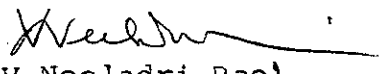
5. When a scheme is formed it is applicable to all the applicants. I do not see any reasons why this OA is filed when a direction is already there in batch cases in regard to giving casual labour status and other consequential benefits to the Physically Handicapped Public Telephone Attendants.


If the scheme is not followed in the present case it may be possible that the juniors to the applicants <sup>who approached this Tribunal</sup> would have been regularised as per the scheme and the applicants though senior would have been left out. If that be the case there will be contradiction as the seniors are not regularised under the scheme whereas the juniors are regularised who had approached this Tribunal. It is presumed, in view of that the applicants herein have approached this Tribunal. In view of the above the respondents are to be directed to follow the earlier directions extracted above.

...5/-

6. In the result, this OA is disposed of at the admission stage itself with a direction to the respondents to follow the same directions as given in OAs No.187/94 and batch as extracted in para-3 supra. No costs. /

  
( R.Rangarajan)  
Member(Admn.)

  
(V.Neeladri Rao)  
Vice Chairman

  
Dated 22 June, 1995.  
Dictated in the open court.

  
Deputy Registrar(J)CC

Grh.

To

1. The Secretary to Govt.of India,  
Ministry of Communications, Union of India,  
Dept.of Communications, Central Secretariat,  
New Delhi.
2. The Director General, Telecommunications,  
Samachar Bhavan, New Delhi.
3. The Chief General Manager, Telecommunications,  
A.P.Circle, Door Sanchar Bhavan, Abids, Hyderabad.
4. The Superintendent, Telegraph Traffic,  
Guntur Division, Guntur.
5. The Departmental Telegraph Office,  
Ongole, Prakasam Dist.
6. The Sub Divisional Officer, Telecommunications,  
Chirala, Guntur Dist.
7. One copy to Mr.V.Venkateswar Rao, Advocate, CAT.Hyd.
8. One copy to Mr.N.V.Ramana, Addl.CGSC.CAT.Hyd.
9. One copy to Library, CAT.Hyd.
- 10.One spare copy.

pvm

15 Dec 22/6/95

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD.

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

A N D

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

DATED 22/6 1995.

ORDER/JUDGMENT:

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

in

OA.No.

TA.No.

461/95  
(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

