

(14)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH  
AT HYDERABAD

OA.1399/96

dt.3-12-96

Between

Bandaru Venkata Mutyala Rao : Applicant

and

1. Union of India, rep. by  
Secretary to Govt.  
Min.of Finance, Vot. of India  
New Delhi

2. The Commissioner of Central Excise  
Kannavari Thota, Guntur

3. The Asstt. Commissioner of  
Central Excise  
Division Office, Eluru

: Respondents

Counsel for the applicant

: S.V.R. Subrahmanyam  
Advocate

Counsel for the respondents

: V. Bhimanna  
Addl. SC for Central Govt.

CORAM

HON. MR. JUSTICE M.G. CHAUDHARI, VICE CHAIRMAN *W.C.*

HON. MR. H. RAJENDRA PRASAD, MEMBER (ADMN.)

## Judgement

Oral order (per Hon. Mr. Justice M.G. Chaudhari, VC )

Mr. S.V.R. Subrahmanyam, for the applicant and Mr. V. Bhimanna, Addl. Standing Counsel for the respondents on notice.

1. Heard. Admit.
2. Notice waived. By consent taken up for final orders.
3. The applicant was appointed temporarily as part-time contingent Sweeper cum Water Carrier in the Central Excise Range office, Tamku, by order of the Assistant Collector, Central Excise, Eluru, dated 1-12-1988. The applicant submitted a representation on 15-12-1989 seeking regularisation. By letter dated 16-1-1990, the Administrative Officer, Headquarters, of R-2 informed the applicant that his appointment as Full-time contingent employee cannot be considered against any regular group-D vacancy as he did not complete the requisite period of service. That, however, was way back in 1990. On 19-8-1996 the applicant submitted a representation to the Commissioner of Customs and Central Excise, Guntur, again praying for confirmation as permanent employee. It is stated that no reply has been received so far to the said representation.
4. Meanwhile the applicant apprehends that the respondents are proposing to obtain fresh quotation for fresh appointment of workers on contract basis and since some other contingent workers at different places have been disengaged as per his information, he apprehends that he may also be disengaged without notice. It is, however, not possible for us to go into the question of legality

of the alleged proposal being followed by the respondents in the absence of any material placed before us in that respect. Apart from that there is no occasion for the applicant to approach the Tribunal as his engagement has not so far been terminated.

5. Having regard to both the circumstances viz. that his representation for confirmation as permanent employee / regularisation as stated to be pending before the Commissioner and as the applicant also has an apprehension that he may be disengaged at any moment without notice, we think proper to pass the following order :

- i) The Commissioner of Customs and Central Excise, Guntur, Respondent-2 is directed to dispose of the representation of the applicant dated 19-8-1996 on merits and convey his decision to the applicant within a period of one month from the date of receipt of the copy of this order. In the event of the applicant being aggrieved with the same, he will be at liberty to adopt such legal remedies as he may be advised in accordance with law.
- ii) The respondents are directed that they shall not disengage the applicant till the representation has been decided and order thereon has been communicated to the applicant and even thereafter without giving him 15 days advance notice of proposed termination/disengagement. The applicant will be at liberty to adopt such legal remedies as he may be advised in accordance with law in the event of any such notice.

This order has been passed without reference to the merits and without prejudice to the rights and contention of the parties applicant in future proceedings.

6. The OA is disposed of in terms of above order.

15/11/96  
(H. Rajendra Prasad)  
Member (Admn.)

15/11/96  
(M.G. Chaudhari)  
Vice Chairman

Dated : Dec., 3, 96  
Dictated in Open Court

Max O.A.1399/96

To

1. Union of India, rep by  
secretary to Govt.  
Min. of Finance. Govt. of India  
New Delhi
2. The Commissioner of Central Excise Kannavari Thota Guntur.
3. The Asstt. Commissioner of Central Excise Division office.  
Eluru.
4. One Copy to Mr. S.V.R. Subrahmanam, Advocate CAT.HYD.
5. One copy to Mr. V.Bhimanna. Addl. SC for Central Govt
6. One copy to Library, CAT.HYD.
7. One spare copy.

pvm.

6/12/96.

(18)

I COURT

Urgent  
6/12/96.

TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

(17)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE M.G.CHAUDHARI  
VICE-CHAIRMAN

AND

THE HON'BLE MR.H.RAJENDRA PRASAD:M(A)

Dated: 3-12-1996

ORDER / JUGMENT

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

in

O.A.No. 1399/96.

T.A.No.

(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.

pvm

केन्द्रीय प्रशासनिक अधिकारी  
Central Administrative Tribunal

DESPATCH

10 DEC 1996

हृदयवाद व्यायपीठ  
HYDERABAD BENCH