

(17)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA.230/96

dated : 26 June, 96

Between

1. B. Suri
2. K. Narasimham
3. Chandaka Appa Rao : Applicants

and

1. The Chief General Manager
Telecommunications, AP Circle
Doorsanchar Bhavan
Nampalli Station Road
Hyderabad-1

2. The Director (Telegraph Traffic)
Doorsanchar Bhavan
Nampalli Station Road
Hyderabad 1

3. General Manager
Telecom District, Dhaba Gardens
Visakhapatnam 20 : Respondents

Counsel for the applicants : M.P. Chandra Mauli
Advocate

Counsel for the respondents : V. Rajeswara Rao
SC for Central Govt.

CORAM

HON. MR. JUSTICE M.G. CHAUDHARI, VICE CHAIRMAN

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

Judgement

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

Heard Mr. Chandra Mauli for the applicants. Heard
Mr. Rajeswara Rao for the respondents.

2. The first applicant was engaged as Water boy and
sweeper in the office of Respondent - 3 on 13-1-93 as
part-time employee on remuneration of Rs.3.60 per hour for
eight hours a day. Similarly Applicant-2 was engaged on
24-4-1994 as Watchman and sweeper on hourly rate of wages,

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and the applicant-3 was engaged as Attender/Messenger/office boy from 29-6-92 ~~at~~ on hourly wage basis at Telecom Centre, Maharanipet, Visakhapatnam. Applicant-3 was later on transferred to Akkayyapalem, Telegraph Office.

3. Part time engagement of the first applicant did not continue after August, 95. Likewise engagement of Applicant -2 did not continue after August 95. Applicant-3 however, was disengaged on 19-6-1993.

4. On 31-7-95 the office of the Chief General Manager, Telecom, AP Circle, issued an office circular instructing the various offices of Telecom Department that engagement of Part-time/Individual Contract labours/Casual labours on any pretext whatsoever was irregular after 22-6-1988 and should not be resorted to and the irregular employment already made should be dispensed with immediately. It appears that in view of these instructions Applicants 1 and 2 have not been further engaged.

5. The applicants in this OA challenged the above mentioned circular dated 31-7-1995 on the ground that it is arbitrary, illegal and void. They pray that therefore the respondents may be directed to engage them as part-time casual employees. The Circular dated 31-7-95 is based upon the instructions and provisions contained in DCT letter No.270/6/84 Stn. dated 30-3-85 and 269-4/93-Stn. ^{ing} dated 17-12-1993 (Related to the cut-off dates - 30-3-85 and 22-8-85). The circular shows ^{that} despite these instructions parttime engagement of casual laboura was being resorted to and therefore a serious view of ^{that} irregularity has been taken and the officers resorting to these practice have been warned that in such cases sole responsibility will lie personally on them in the event of any decisions happened to be given by the Tribunal in favour of such irregularly employed labours.

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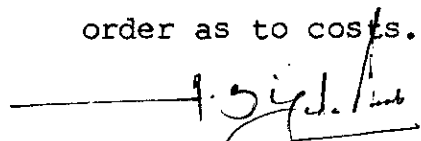
6. It is contended by the learned counsel for the applicants that the instructions are discriminatory and also unreasonable as ~~such~~ ^{despite} no contractors are ~~coming~~ ^{being} forward and ~~dispute~~ the work if available. It is unjust to deny employment to the workers, who are willing to work on small remuneration and they need not be left without any employment. ~~Wherever~~ ^{however} we cannot go into the question of validity of the instruction, because, instruction dated 31-7-1995 are based upon the DCT letters, first of which was issued on 30-11-1985. ~~But the said~~ ^{Besides those} instructions are not subject matters of ~~instructions~~ ^{the OA} nor Government of India through its Telecommunications Department, is party to this OA.


7. We also cannot, although we may have desired to ~~do so~~, direct any employment even till a contract is assigned because of the ~~tenure~~ ^{tenor} of the circular dated 31-7-1995. Any such direction given will be violative of ~~all~~ ^{the} clear instructions of ~~Department~~ ^{the} and its policy and it is not possible to direct the Departments to disregard the policy framed by the competent authority. Moreover the circular in question shows that it is intended to replace the casual labours by an agency after calling for competent quotations for tenders ~~and then award~~ ^{awarding} contract. Such policy ~~is not reasonable~~ ^{cannot be said to be unreasonable}.

8. Mr. Rajeswara Rao for the respondents submitted that in so far as the offices where the applicant 1 and 2 were working contract, have already been ~~awarded~~ ^{awarded}. Thus, there is no scope for the ~~said~~ applicants being engaged. Although, therefore, we are sympathetic to the predicament of the applicants, we are unable to grant any relief to them as ~~is known~~ ^{none is} as capable of being granted legally.

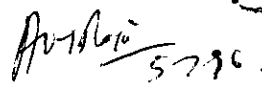
9. As far as the applicant-3 is concerned he was
✓ disengaged on 19-6-1993. Circular dated 31-7-1995,
therefore can have no relevance to this case. He has
also not challenged the action of disengaging him in
1993 nor not engaging him thereafter. The question of
engaging him now is squarely covered by the circular and
no relief therefore can be granted to him.

10. For the foregoing reasons the OA is dismissed. No
order as to costs.


(H. Rajendra Prasad)
Member (Admn.)


(M.G. Chaudhari)
Vice Chairman

Dated : June 26, 96
Dictated in Open Court


Deputy Registrar O.C.

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O.A. 230/96.

To

1. The Chief General Manager,
Telecommunications, A.P.Circle,
Doorsanchar Bhavan, Nampalli Station Road,
Hyderabad-1.
2. The Director (Telegraph Traffic)
Doorsanchar Bhavan, Nampalli Station Road,
Hyderabad-1.
3. The General Manager,
Telecom District, Dhaba Gardens,
Visakhapatnam-20.
4. One copy to Mr.M.P.Chandra Mouli, Advocate, CAT.Hyd.
5. One copy to Mr.V.Rajeswar Rao, Addl.CGSC. CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy

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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, J. (A)

Dated: 26.6 -1996

ORDER/JUDGMENT

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

in

O.A.No. 230/96

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.

