

(20)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH
HYDERABAD

O.A. NO.238/96

Between:

Date of Order: 19.3.96.

G.Srinivasa Rao

...Applicant.

And

1. The Director General (Works),
Central Public Works Department,
(CPWD), New Delhi.
2. The Superintending Engineer,
Coordination, O/O Chief Engineer,
South Zone II, 140 Marshal Road,
Egmore, Madras.
3. The Superintending Engineer,
(Electrical), Central Electrical Circle,
(Central PWD), Nirman Bhawan,
Sultan Bazar, Hyderabad.
4. The Executive Engineer (Electrical),
Visakhapatnam Central Electrical Division,
CPWD, 3rd Cross Road, 1st Floor,
Dwarakanagar, Vizag, Vizag Dist: 530 106.

...Respondents.

Counsel for the Applicant : Mr. P. Subrahmanyam Sarma

Counsel for the Respondents : Mr. N. R. Devraj, Sr. CGSC.

CORAM:

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

contd...

JUDGMENT

(As per Hon'ble Sri R. Rangarajan, Member(Administrative))

The applicant worked under R-4 from July, 1987 to December, 1987, 1-2-1989 to 31-3-1992 and 1-4-1992 to 1-10-1992. Thereafter he was not re-engaged.

2. The applicant relies on O.M. No.F.No.49014/2/86-Estt. (C) dated 7.6.1988 (page-2 of material papers in OA) wherein certain instructions were issued in regard to recruitment of casual labourers and persons on daily wages on the review of the policy. It is the case of the applicant that his case has to be considered in the light of the above referred OM as he had fulfilled the conditions for continuance as Casual Labour. It is stated for the applicant that he has been retrenched in October, 1992 which is illegal. He submitted a representation to R-3 for re-engaging him as casual labour vide his application dt. 5.7.1995. He submits that his representation is not replied so far.

3. Aggrieved by the above, he has filed this OA praying for a direction to the respondents to consider his case for appointment on regular basis in the existing vacancies in view of his length of service of about 3 years as NMR and also in view of the instructions issued by the Government in the OM referred to above which are in force.

4. The applicant has put in about 3 years of casual service as indicated by him earlier. This service has to be

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checked by the respondents on the basis of the records. On the basis of his earlier experience the applicant had gained certain knowledge about the functioning of the department. Hence, his re-engagement as casual labour will be advantageous to the department compared to engagement of freshers from open market. But such engagement should not result in retrenchment of any casual labourers already in service.

5. In the result, the following direction is given:-

The applicant should be re-engaged in future if there is work in preference to freshers from the open market in the same unit from which he was last retrenched. But, his engagement should not cause any retrenchment of the casual labourers who are already in service. His case for regularisation etc. may have to be considered in accordance with rules.

6. The OA is ordered accordingly at the admission stage itself. No costs.

[Signature]

(R.Rangarajan)
Member (Admn.)

Dated 19th March, 1996.
Dictated in open court.

spr/grh.

[Signature]
Dy. Registrar (S)

[Signature]

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COPY TO:

1. The Director General(Works),
Central Public Works Department,
(CPWD), New Delhi.
2. The Superintending Engineer,
Cordination, O/O Chief Engineer,
South Zone II, 440 Marshal Road,
Egmore, Madras.
3. The Superintendeng Engineer,
(Electrical), Central Electrical Circle,
(Central PWD), Nirmán Bhavan,
Sultan Bazar, Hyderabad.
4. The Executive Engineer, (Electrical),
Visakhapatnam Central Electrical Division,
CPWD, 3rd Cross Road, 1st Floor,
Dwarakanagar, Vizag, Vizag District - 530 106.
5. One copy to Mr.P.Subrahmanyam Sarma, Advocate,
CAT, Hyderabad.
6. One copy to Mr.N.R.Devraj, Sr.CGSC,CAT, Hyderabad.
7. One copy to Library,CAT,Hyderabad.
8. One spare copy.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD.

HON'BLE SHRI A.B.GORTHI : MEMBER(A)

HON'BLE SHRI R.Ranganathan (A)

DATED: 19.3.96

ORDER/JUDGMENT

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

IN

O.A.NO. 238/96

ADMITTED AND INTERIM DIRECTIONS ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

OA ORDERED / REJECTED —

NO ORDER AS TO COSTS

* * *

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