

(14)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.408/96

Date of Order: 8.4.96

BETWEEN:

M.Subramanyam

.. Applicant.

A N D

1. Union of India, rep. by
Secretary, Ministry of Defence,
New Delhi.

2. Flag Officer Commanding in Chief,
Eastern Naval Command, H.Q.
Visakhapatnam - 14.

3. Base Vitualling Officer, B.V.Yard,
Visakhapatnam.9. .. Respondents.

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Counsel for the Applicant .. Mr.P.B.Vijay Kumar

Counsel for the Respondents .. Mr.V.Bhimanna

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CORAM:

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

— — —

J U D G E M E N T

X As per Hon'ble Shri R.Rangarajan, Member (Admn.) X

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Heard Mr.P.B.Vijay Kumar, learned counsel for the applicant and Mr.V.Bhimanna, learned standing counsel for the respondents.

2. The applicant was engaged as a casual labour in various units under R2 and worked in that capacity from 5.12.91 to 2.2.94 with certain intermittent breaks. After 2.2.94 he was not re-engaged. This OA is filed praying for a direction to the respondents to regularise his services by re-engaging him.

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3. The applicant submitted a representation as above by his representation dated 20.7.95 addressed to R2 but it is stated that representation has not been replied so far.

4. The applicant relies on the interim orders in O.A. No. 141/95 and O.A. 936/95 to state that similar interim direction can be given in this OA also. But I am of the opinion that it is a fit case to be disposed of at the admission stage itself following the interim direction given in the above referred OAs which will cut short the delay in considering ^{his} the cases by the respondents and will be more helpful to the applicant

allowing his case to continue on the file of this Bench.

5. The applicant had served under the respondents earlier also and as such he had gained some knowledge in regard to the functioning of the department. Hence he will be a better substitute compared to those who had not worked in the department if any casual labour engagement is necessary in future. However his regularisation etc. has to depend on the rules/instructions in that regard and his seniority vis-a-vis the other casual labourers. However, it is made clear that in case he is reengaged if there is work in pursuance of this order none who is already in casual service shall be retrenched.

6. In the result, the following direction is given:- The applicant should be reengaged if there is work in future in preference to juniors and freshers in the unit from which he was retrenched last. In pursuance of this order if he is going to be reengaged none who is already in casual service shall be retrenched. The case of the applicant for regularisation etc. shall be considered in accordance with rules.

7. The O.A. is ordered accordingly. No costs.

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(R.RANGARAJAN)

Member (Admn.)

Dy. Registrar

Dated: 8th April, 1996

Copy to:

O.A. NO. 408/96

1. The Secretary,
Ministry of Defence,
New Delhi.
2. Flag Officer,
Commanding in Chief,
Eastern Naval Command,
H.Q., Visakhapatnam
3. Base Victualling Officer,
B.V.Yard,
Visakhapatnam.
4. One copy to Mr.P.B.Wijaya Kumar, Advocate,
CAT, Hyderabad.
5. One copy to Mr.V.Bhimanna, Addl.CGSCB,
CAT, Hyderabad.
6. One copy to Library, CAT, Hyderabad.
7. One duplicate copy.

YLKR

O A 408/96
18/5/96
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APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

DATED: 8.6.96

ORDER/JUDGEMENT

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

IN

R.A. NO. 408/96

ADMITTED AND INTERIM DIRECTIONS ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDERS AS TO COSTS

No Spare Copy

केन्द्रीय प्रशासनिक विधिकरण
Central Administrative Tribunal
प्रेषण/DESPATCH
- 9 MAY 1996
हृदय राव नायर
HYDERABAD BENCH