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

ORIGINAL-APPLICATION-NO.540-of-1996

DATE OF JUDGEMENT: 3.6.1996

Between:

1. A.Vijaya Bhaskar Reddy, .

2. G.Bala Goud

.. Applicants

and

1. The Director General,  
Telecommunications,  
Sanchar Bhavan, New Delhi,

2. The Chief General Manager,  
A.P.Circle, Doorsanchar Bhavan,  
Abids, Hyderabad,

3. The Officer (Incharge), Telecommu-  
nications, Mahboobnagar,

4. The Divisional Officer (Engineering),  
Telecommunications,  
Mahboobnagar,

5. The Assistant Superintendent (TT),  
Incharge, Department of Telegraph Office,  
Mahboobnagar.

.. Respondents

COUNSEL FOR THE APPLICANTS: SHRI V.VENKATESWARA RAO

COUNSEL FOR THE RESPONDENTS: SHRI K.RAMULU, Addl.CGSC

CORAM:

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

JUDGEMENT

Heard Shri V.Venkateswara Rao, learned counsel for  
the applicants and Ms.Syama on behalf of Shri K.Ramulu,  
learned standing counsel for the respondents.

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2. There are two applicants in this OA and they are now engaged as Public Call Office Attendants at the District Telegraph Office at Mahboobnagar vide orders dated 27.3.1990 and 5.5.1990 issued by R-3 and R-4. They are Physically Handicapped persons and as a matter of assisting the Physically Handicapped persons, they were engaged as above. They were paid commission on the basis of the guidelines issued by the Govt. of India.

3. Some of the Physically Handicapped Telephone Attendants who were engaged similar to the applicants herein have filed O.A.No.187 and batch of 1994 which was disposed of on 1.2.1995. The prayer in that OA was for a direction to the respondents in that OA to absorb them on regular basis as Telephone Operators or Telegraph Assistants or in any other equivalent post in Group 'C' in the scale of pay of Rs.975-1660 with all consequential benefits. That OA was disposed of by the order dated 1.2.1995 directing the respondents therein to consider the case of the applicants for regularising their services as Group 'D' staff under the scheme of regularisation of Casual Labour in the Department of Telephones and further consequential direction was also given. This OA is filed praying for a direction to the respondents to convert the applicants herein as Casual Labour by applying Casual Labour (Grant of Temporary Status and Regularisation) Scheme, 1989 in terms of the judgment of this Tribunal referred to above with all consequentall benefits such as seniority, grant of temporary status, regularisation etc.



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4. The learned standing counsel submitted that this OA is covered by the judgment of this Tribunal dated 1.2.95 and hence this OA also may be allowed on the same terms.

5. I have gone through the pleadings and the directions given in the above referred OAs. The case of the applicants is squarely covered by the decision of the Tribunal in the above referred case. Hence, I see no reason to differ from the decision of this Tribunal already taken.

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

Taking into consideration the aforesaid facts, I must first observe that the request of the applicants to direct the respondents to regularise their services against Group-C posts cannot be acceded to. Further, I am of the view that the decision of the respondents to extend the Casual Labour (Temporary Status & Regularisation) Scheme, 1989, to the applicants is just and fair. I do not, however, find any justification for the respondents' decision to consider the case 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 any retrospective 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 as 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.

7. 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.

8. Another issue pressed before me is about the present placement of the applicants. The learned counsel for the applicants pleaded that even after the applicants exercising option, they would 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



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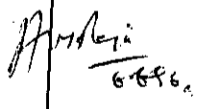
them wherever necessary keeping in view, however, the disability of the applicants. There can be no doubt that it is for the respondents to decide as to how the service of the applicants should be utilised but there can be no denying the fact, in the present case, that the applicants have been working as Telephone Attendants for long periods. It is thus apparent that there is a requirement for manning telephone booths, and also there does not seem to be any proposal to wind up those telephone booths. In those 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. The respondents are further directed to call for fresh option to be exercised in the light of this judgement, within a period of one month from the date of its communication.

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



(R. RANGARAJAN)  
MEMBER (ADMN.)

DATED: - 3rd June, 1996  
Open court dictation.



vsn

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Copy to:-

1. The Director ~~General~~ General, Telecommunications, Sanchar Bhavan, New Delhi.
2. The Chief General Manager, A.P.Circle, Deersanchar Bhavan, Abids, Hyderabad.
3. The Officer(Incharge), Telecommunications, Mahabubnagar.
4. The Divisional Officer(Engineering), Telecommunication, Mahabubnagar.
5. The Asst Superintendent(TT), Incharge, Department of Telegraph Office, Mahabubnagar.
6. One copy to Sri. V.Venkateshwara Rao, advocate, CAT, Hyd.
7. One copy to Sri. K.Ramloo, Addl. CGSC, CAT, Hyd.
8. One copy to Library, CAT, Hyd.
9. One spare copy.

Rsm/-

*[Handwritten signature]*

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009-54076

TYPED BY  
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CHECKED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

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

DATED: 3/6/96

ORDER/JUDGEMENT

PLA. NO/R.A/C.A. No.

IN

B.A. NO. 54076

ADMITTED AND INTERIM DIRECTIONS ISSUED

ALLOWED

~~DISPOSED OF WITH DIRECTIONS~~

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

~~NO ORDERS AS TO COSTS~~

\* \* \*

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केन्द्रीय प्रशासनिक अधिकरण  
 Central Administrative Tribunal  
 वितरण/DESPATCH  
 12 JUN 1996  
 हैदराबाद बेंच  
 HYDERABAD BENCH