

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A. 559/96.

Dt. of Decision : 10-12-97.

1. S.Sivanandam
2. T. Lakshminarayana
3. Guduru Dastagiri
4. Paraya Venkata Rama Subbaiah
5. Pachangam Naga Raj
6. Pendly Srinivasulu
7. Peddabaluguri Thirupathi
8. Dasetty Chandrasekhar
9. Addakula Appanna
10. Jestadi Livingstonpanthul
11. Shaik Babafajuruddin
12. Lingala Ramana Reddy
13. Pula Nagamanamma
14. G.C.Reddappa Reddy
15. P.James Babu

.. Applicants.

Vs

1. The Telecom Commission,
Rep. by Chairman,
Telecommunications,
New Delhi.
2. The Director General,
Telecommunications, New Delhi.
3. The Chief General Manager,
Telecommunications, AP Circle,
Abids, Hyderabad.
4. The Dy.General Manager (Admn.)
O/o the CGMT, Telecommunications,
A.P.Circle, Abids, Hyderabad.
5. The Telecom Dist.Manager,
Dept. of Telecommunications,
Cuddapah.

.. Respondents.

Counsel for the applicants : Mr.V.Venkateswara Rao

Counsel for the respondents : Mr.N.R.Devaraj, Sr.CGSC.

CORAM:

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

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ORDER

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

None for the applicants. Heard Mr.N.R.Devaraj,
learned counsel for the respondents.

2. There are 15 applicants in this OA. They stated that they were engaged as Casual Labourers from 2nd February, 1988. Annexure-I shows that the date ~~of~~ from which they are working and the place of working. In this Annexure only applicant No.15 is working from 1988 onwards whereas others from the date much later than 1988. The applicants submit that they are Casual Labourers and hence they should be engaged in terms of the letter No.269-10/89-STN, dated 7-11-89 (Annexure-II) treating them as Casual Labourers. The issue of the letter No.TA/TFC/20-1/92/PT/KW dt. 31-7-95 (Annexure-III) has ~~not~~ relevance in the challenge issue of the letter.

3. This OA is filed praying for a direction to the respondents herein to grant Temporary Status and Regularisation of their services by extending the Casual Labourers (Grant of Temporary Status and Regularisation) Scheme, 1989 to them by declaring the letter No.TA/TFC/20-1/92/PT/KW/16 dt. 31-7-95 as illegal, arbitrary and unconstitutional and to set aside the same and to grant them all consequential benefits such as arrears of pay and allowances, seniority promotions etc.

4. A reply has been filed in this OA. The main thrust of the reply is that the recruitment of part time officials was banned from 31-3-85 and by the impugned letter No.TA/TFC/20-1/92/PT/KW/16 dt. 31-7-95 it was decided to get the part time job viz., sweeping, fetching water and farashing etc. at Telegraph offices done through contract agencies by calling quotations. It was also

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further decided to dispense with all the part time employee/ casual mazdoors who were engaged for the above works. Accordingly, the work viz., sweeping, fetching water, farashing and delivery of telegrams at Telegraph offices/Telecom Centres at Cuddapah, Proddutur and Rajampet was being got done through contract ~~and~~ agencies and paid on ACG 17 and vouchers are countersigned by the competent authority. It is also stated that the applicants herein belong to Cuddapah SSA and they were engaged in Telegraph offices and Telecom Centres through contract agencies. Hence the scheme for regularisation and grant of temporary status does not apply to the applicants herein as they are engaged through contract agencies. The respondents also relying on the judgement of this Tribunal in OA.230/96 dated 26-06-96 to state that the said OA is an identical one and similar relief was prayed in that OA and that relief was rejected.~~in~~ Hence they submit that this OA is also liable to be rejected.

5. The applicants in this OA has not filed any rejoinder. There is no record enclosed to the OA to show that they were engaged as a departmental casual labourers in the said Telegraph Office. Hence it has to be held that the statement of the respondents that they were engaged through contractors has to be accepted.

6. On 31-7-95 a circular was issued instructing various offices of the Telecom department ^{that} for engagement of part-time/ individual ^{Contract} Central labourers/Casual Labourers, on any pretext whatsoever, after 22-6-88 ^{was irregular} and should not have resorted to. Such indiscriminate and irregular employment already made should be dispensed with immediately. It appears that in view of those instructions the services of the applicants were not considered for grant of temporary status and regularisation in accordance with the scheme referred to above. The applicants in this OA

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challenged the above mentioned circular dt. 31-7-95 on the ground that it is illegal and void. They therefore prayed that the respondents may be directed to engage them as casual employees ^{and} grant them temporary status and regularise them in their turn. ~~XXXXXXXXXX~~

7. I have read this judgement of this Tribunal in OA. 230/96 delivered on 26-6-96. The prayer in that OA is also similar to the prayer in this OA. In that OA also the letter dated 31-7-95 was challenged on the same ground and also relief was asked for in that OA to take applicants in that OA ~~regularly~~ regularly as casual labourers. The judgement in OA.230/96 clearly analysed the various reasons for not setting aside the letter dated 31-7-95 and also reasons have been incorporated for not granting the relief as prayed for in that OA. As the applicants in this OA are similarly placed ^{as} the applicant in OA.230/96 and the prayer and contentions also similar I rely on that judgement for reasons stated therein. I do not see any reason to differ from the judgement in OA.230/96.

8. In view of that is stated above this OA is also liable to be dismissed. Accordingly, it is dismissed. No costs.


(B. RANGARAJAN)
MEMBER (ADMN.)

Dated : The 10th Dec. 1997.
(Dictated in the Open Court)

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0A.559/96

Copy to:-

1. The Chairman, The Telecom Commission, Telecommunications, New Delhi.
2. The Director General, Telecommunications, New Delhi.
3. The Chief General Manager, Telecommunications, A.P. Circle, Abids, Hyderabad.
4. The Dy. General Manager (Admn.), O/o The CGMT., Telecommunications, A.P. Circle, Abids, Hyderabad.
5. The Telecom Dist. Manager, Dept. of Telecommunications, Cuddapah.
6. One copy to Mr. V. Venkateswara Rao, Advocate, CAT., Hyd.
7. One copy to Mr. N.R. Devaraj, Sr. CGSC., CAT., Hyd.
8. One copy to D.R.(A), CAT., Hyd.
9. One duplicate.

srr

19/12/97
TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

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

AND

THE HON'BLE SHRI B.S. JAI PARAMESHWAR :
M (J)

Dated: 10/12/97

ORDER/JUDGMENT

~~M.A./R.A/C.A.NO.~~

in
O.A.NO. 559/96

Admitted and Interim Directions
Issued.

~~Allowed~~

Disposed of with Directions

~~Dismissed~~

Dismissed as withdrawn

Dismissed for Default

Ordered/Rejected

No order as to costs.

YLKR

II Court

केन्द्रीय प्रशासनिक न्यायालय Central Administrative Tribunal दस्तावेज / DESPATCH 18 DEC 1997 हैदराबाद न्यायपीठ HYDERABAD BENCH
