

(68)

(IN THE) CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO. 1108 OF 1996

DATE OF ORDER : 19-5-1998

BETWEEN :

1. B. Salamma
2. B. Swamy
3. A. Bikshapathy
4. P. Pentaiah
5. B. Santha

... Applicants

AND

1. The Surveyor General of India
Dehradun
2. The Additional Surveyor General,
Survey Training Institute
Survey of India, Uppal,
Hyderabad.
3. The Superintending Surveyor,
Incharge No. 16 PARTY (STI),
Survey of India, Uppal
Hyderabad.

... Respondents

COUNSEL FOR THE APPLICANTS : SHRI A. SATYA PRASAD

COUNSEL FOR THE RESPONDENTS : SHRI N.R. DEVARAJ

CORAM :

THE HON'BLE SHRI H. RAJENDRA PRASAD, MEMBER (ADMN.)

(Order per Hon'ble Shri H. Rajendra Prasad, Member (Admn.))

The Applicants were appointed as Malis on casual/daily wage basis in 1973, having been sponsored by the Employment Exchange. They have been working since then with intermittent breaks. The complaint of the Applicants in this CA is that despite working for the

8/19/98

69

organisation for more than 2 decades, they still continue to be treated as daily wage/casual labourers and have not even been given the status of Contingent Khalasis, leave alone regularisation of their services. It is also their complaint that certain daily wage mazdoors, who they claim were their juniors, have been regularised - 5 in 1990 and 7 in 1991. Their case was taken up by the concerned Union in 1990 and the Union was then informed that the case of the Applicants was under consideration.

The case of the Applicants has had a somewhat long history. In 1991 they filed a writ petition before the Hon'ble High Court of Andhra Pradesh and withdrew the same in 1993 for the reason of lack of jurisdiction. Thereafter they filed OA 1524/93 before this Tribunal which was disposed of on 29-6-1994 by directing the Respondents to take back the Applicants to work as Casual Labourers, if such work was available, and their case for appointment as Contingent Khalasis be considered in accordance with their length of service in the light of observations contained in the judgement. They filed a Review Application (66/94) in the said OA seeking a specific direction to the Respondents to re-engage them forthwith. The RA was rejected on 6-10-1994, because the Respondents submitted to the Court that the case of the Applicants was under examination. The Respondents stopped engaging the Applicants from June, 1995, which resulted in the filing of a CP (79/95). The petition was dismissed for default on 7-12-1995. One more petition was filed by the Applicants praying for restoration of the CP, but the same was again dismissed on 11-4-1996 for the reason that there was no provision for restoration of contempt petition which had been dismissed for default.

The grievances of the Applicants is that they were

9/19/5

70

earlier,
being engaged on-and-off but since June, 1995, the
Respondents had completely stopped such engagement.

One final complaint of the Applicants is that 5
posts of regular Malis are even today available to be
filled owing to the death or retirement of incumbents.

The Applicants pray for a direction to the Res-
pondents to fill up the existing posts by appointing
them as Contingent Khalasis with continuity of service
and back-wages.

The Respondents in the counter-affidavit state
that when the Centre for Service Training and Map
Production was established in 1966, a number of local
workers were initially employed on gardening. They
were never, however, given any continuous employment nor
were the breaks which came to occur wilful or artificial.
Since considerable work was available in the early stages
of the development of the Centre, a large number of local
labourers were employed but as the years progressed the
scope for such employment decreased gradually. Mean-
while, whenever opportunities arose for absorption of
casual/daily wage labourers as Contingent Khalasis, the
same was done to the extent feasible and required. No
seniority list was maintained for the local mazdoors and
way back in 1991 a few workers had been duly absorbed
as Contingent Khalasis depending on their suitability
for the type of job that they were required to perform
in their survey units. It will be incorrect, therefore,
for any local casual daily wage labourer to claim
seniority over others of his type since none was really
borne on the establishment of the Centre.

Above all reasons, the work itself has come down
considerably in the organisation owing to work-rationalisation

8/11/1

70

and adoption of modern technology and procedures in survey work. Also, there is a complete ban on recruitment of Contingent Khalasis except in the case of those who may have to be taken on compassionate grounds. As regards the allegation of the Applicants that 7 local workers who were regularised in the year 1991, it is explained that the available vacant posts were of regular Malis, which come under Group 'D' category. Against these the Respondents redeployed those workers who had already been absorbed as Contingent Khalasis on the minimum of scale against vacancies. The Applicants, who were ineligible for such deployment because of their not being Contingent Khalasis, could naturally not be considered for the said posts/vacancies. The Respondents also produced a copy of letter No. SM/02/002/90 dated 1-3-1994 issued by the Department/Ministry of Science and Technology, which in part reads as under :-

"Survey of India is again informed that no fresh recruitment of Contingent Khalasis should be made with the exception of compassionate appointments."

In view of the position as stated above, and against the back-drop of the continuing ban on recruitment of Contingent Khalasis, it would not be possible to direct the Respondents to consider the claims of the Applicants at the present stage. The Respondents shall, however, examine the claims of the Applicants if, as and when the current ban is lifted. Until then it should also be ensured that the claims of the Applicants are duly considered for engagement on casual/daily wages as before, whenever the need for engaging casual labourers arises. No fresh faces from the open market should be considered for such engagement before considering the case of the present Applicants for such casual engagement, be it of a routine or seasonal nature.

Thus, the OA is disposed of.


(H. RAJENDRA PRASAD)
MEMBER (ADMN.)

19 MAY 98

DATED : 19-5-1998

...js/-


Reg. Registrar

-5-

O.A. 1108/96

To

1. The Surveyor General of India,
Deharadun.
2. The Additional Surveyor General,
Survey Training Institute,
Survey of India, Uppal, Hyderabad.
2. The Superintending Surveyor,
Incharge No. 16 PARTY(STI)
Survey of India, Uppal, Hyderabad.
4. One copy to Mr.A.Satya Prasad, Advocate, CAT.Hyd.
5. One copy to Mr.N.R.Devraj, Sr.CGSC. CAT.Hyd.
6. One copy to HHRP.M.(A) CAT.Hyd.
7. One copy to DR(A) CAT.Hyd.
8. One spare copy.

pvm

9/6/98
I COURT

TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE

VICE-CHAIRMAN

AND

THE HON'BLE MR. H. RAJENDRA PRASAD: M(A)

DATED: 19-5-1998.

ORDER/JUDGMENT

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

in

O.A.No.

1108/96

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.

pvm.

