

9

A 11 (12)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

Original Application No. 777/96.

Dt. of Order: 18-6-96.

Between :-

- | | |
|------------------------|---------------------------------|
| 1. T. Hanumanthu | 17. J. Gurus Prasad |
| 2. H. Vijaya Kumar | 18. R. Jayaraju |
| 3. J. Siva Sai Kumar | 19. S. Shahealam |
| 4. R. Prasad | 20. R. Varadha Reddy |
| 5. T. R. Srinivasa Rao | 21. V. Jayaramudu |
| 6. A. Jagadish Kumar | 22. S. Ameer Basha |
| 7. S. Nagabhushanam | 23. A. Venugopala Rao |
| 8. G. Krishna | 24. D. Ramanujaneyulu |
| 9. D. Gurumurthy | 25. S. Nazeer Hussain |
| 10. V. Chakrapani | 26. M. Mohd. Hussain |
| 11. D. Nagheendra Rao | 27. S. Ravi |
| 12. A. Gopal | 28. S. V. S. Rama Krishna Kumar |
| 13. T. Shankarajiah | 29. K. Rajakumar |
| 14. S. Madan Mohan | 30. P. Sivaramaiah |
| 15. G. Venu Gopal | 31. B. Sudhakar Reddy |
| 16. D. Chandra Sekhar | 32. A. Ramesh |

.... Applicants

And

1. The Telecom Commission, rep. by Chairman, Telecommunications, New Delhi.
2. The Director General, Telecommunications, New Delhi.
3. The Chief General Manager, Telecommunication, A.P. Circle, Abids, Hyderabad.
4. The Dy. General Manager (Admn), Office of the CGMT, Telecommunications, AP Circle, Abids, Hyd.
5. Sr. Superintendent (Telegraph Traffic), Telegraph Office, KURNOOL.

.... Respondents

Counsel for the Applicants : Shri V. Venkateswara Rao

Counsel for the Respondents : Shri N. R. Deveraj, Sr. CGSC

CORAM:

THE HON'BLE JUSTICE SHRI M. G. CHAUDHARI : VICE-CHAIRMAN

THE HON'BLE SHRI H. RAJENDRA PRASAD : MEMBER (A)

12 (15)

11

tion. The benefit. Hence we do not know for what reason they have not been given the benefit. In order to determine that they or any of them have been wrongly denied the benefit of the service particulars relating to ^{each of them} him will have to be scrutinised for deciding whether he falls within the eligibility criteria prescribed under the referred scheme. Such a task in a large number of applicants who are working at different places cannot be easily undertaken by this Tribunal having regard to the scanty material produced and depending upon how the respondents respond in their reply. Each individual case has to be examined in the light of the relevant provisions and eligibility criteria has to be decided with reference to his service particulars. It is only thereafter the question of grant of temporary status/regularisation can become possible to consider. The third category of the applicants is of those who have been employed after 10-9-93. Although a vague question has been raised by the learned counsel for the applicants that there is no justification for prescribing the cutoff date as 10-9-93 and the benefit of the scheme should be extended to those who were employed even after that date and fulfill the eligibility criteria. It is not possible to go into that question unless such applicants have approached the respondents seeking extension of the benefit of the scheme on that ground and that claim was rejected. Depending upon the view as the respondents are inclined to take on that aspect, details of each individual employee have to be worked out to determine the eligibility. As said earlier, ^{the} task is not easy to be carried out

146

- 3 -

a period of 240 days. An enquiry into this factual data in respect of each employee can only be carried out by the Department, if it has not been correctly worked out by the employee.

3. The scheme thus was confined to that category of Casual Labourers who ^{fall under the above mentioned category.} ~~fall into clause (i) (v) mentioned above.~~ In that connection it may be mentioned that the Government had issued instructions to stop fresh recruitment and employment of Casual Labourers after 30-5-85. However, even so Casual Labourers continued to be engaged. Primarily to protect their interest that the scheme was brought into force in respect of them. The policy stopping fresh appointments has not been withdrawn. That is clear from impugned letter dt. 11-5-1987 which notices that despite the instructions, the departments have been resorting to employing casual labourers and it would be an irregular employment and service of such persons should be dispensed with immediately. However earlier to that, it appears that on the basis of the decision of the C.A.T., Ernakulam Bench, the Government decided to extend the benefit under the scheme to full time Casual Labourers recruited after 29-11-89 and up to 10-9-93, (the eligibility criteria ^{states that} ~~of some~~) in ~~Class-IV~~ of all the above schemes with variation in the material rate.

4. ^{Most of} ~~Most of~~ the applicants who fall in the category of either those who were employed prior to 1-10-89 or those who were employed up to 10-9-93. The said category of employees do not seem to have approached the authorities seeking exten-

....4.

(17)

by more than one of the
applicants.

7. On the representation being received from any of the
applicant, or all of them by the Respondents in/relative
the
places within the period stipulated herein above, the
authority concerned to examine the matter and take a decision
as to whether benefit of the scheme can be extended to the
applicant and if not, record reasons in support of that
decision. A copy of the decision shall be supplied to the
applicant.

8. The representations to be decided as early as possible
preferably within a period of two months from the date of
filing of the representation.

9. The Respondents are directed that the applicant who
files a representation within the stipulated time shall not
be dis-engaged until a period of 2 weeks expired after the
decision on the representation in the event of rejection of
the representation is communicated to the said applicant.
The direction to stand automatically vacated after that
period.

10. With the above observations, the O.A. is disposed of.
No order as to costs.

प्रमाणित प्रति
CERTIFIED TO BE TRUE COPY

सदर अतिरिक्त
COURT OFFICER

अतिरिक्त अधिकारी
अतिरिक्त अधिकारी

अतिरिक्त अधिकारी
अतिरिक्त अधिकारी

21/11/2019
21/11/2019
21/11/2019

12

16

in a single application by this Tribunal.

5. Under the circumstances, we are of the view that leaving open of the legality of the contentions raised in the O.A., it may be left open to the applicants to individually submit representations to the respondents for seeking the benefit of the scheme for grant of temporary status and regularisation and invite a decision from the Respondents in that behalf. We need not add that in the event of their claim being rejected, the concerned applicant will be at liberty to agitate his grievance by adopting appropriate legal remedies. If such eventuality occurs, it will be easy to determine the case of the applicants in reference to the replies given by the respondents.

6. Next, coming to the question of interim stay of dis-engagement, we think that since we are leaving it open to the applicants to file representations, it will be just and fair to direct the respondents not to dis-engage the applicants till the representations are disposed of and for a reasonable period thereafter. Hence the following order:

(i) It is left open to the applicants to file individual representations to the respondents for relief in the light of what is discussed herein above subject to following conditions viz., he shall have been factually working as on today and secondly the representation is filed within a period of 6 weeks from today;

(ii) Each applicant will be required to file individual representation and leave is granted only to that extent and not to file a joint representation

...6.

RJ

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.249/97

Date of order: 5.3.97

BETWEEN:

R.Narender

..Applicant

AND

1. The Telecom Commission,
Rep. by its Chairman,
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.),
Office of the OGMT, Telecommunications,
A.P.Circle, Abids, Hyderabad.
 5. The General Manager,
Telecom District, Central Telegraph
Office, Vijayawada.
 6. The Senior Superintendent,
Telegraph Traffic, O/o General Manager,
Telecom District,
Central Telegraph Office,
Vijayawada.
- .. Respondents.

Counsel for the Applicant

..Mr.V.Venkateswara Rao

Counsel for the Respondents

..Mr.V.Rajeswara Rao

CORAM:

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

J U D G E M E N T

Heard Mr.V.Venkateswara Rao, learned counsel for the
applicant and Mr.V.Rajeswara Rao, learned standing counsel
for the respondents.

(19)

..2..

2. The applicant in this OA alleges that he had been engaged as a casual labour in D.O.T. from 1989 onwards and is working under R-6. But no engagement order has been enclosed to the OA. The applicant further contends that by the reason of his service without break as casual labour from the date of his engagement he has become entitled to be granted temporary status and regularisation under "Casual Labourers (Grant of Temporary Status and Regularisation Scheme)". It is his grievance that the respondents have not granted him temporary status and regularisation. He therefore prays that the respondents may be directed to give him the benefit of that scheme indicated above. The applicant also challenges the letter dt. 31.7.95 (A-1) issued by R-3. He further states that he apprehends that on the basis of the letter he may be dis-engaged at any time although no steps has been initiated so far and he is continuing as a casual labour even on date.

3. Both the sides agreed that this OA is a covered case and the direction as given in OA.777/96 disposed on 18.6.96 will hold good in this case also. In view of the above submissions I follow the direction already given and direct as follows:-

(i) It is left open to the applicant to file a representation to the respondents for the relief as prayed for in this OA subject to the condition that he is factually working as on today and secondly the representation is filed within a period of 6 weeks from today.

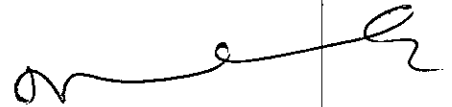
(ii) On the representation being received from the applicant within the stipulated period the respondents after taking the factual position shall examine the matter and take a decision as to whether the benefit of the scheme can be extended to the applicant and if not, record brief reasons in support of that decision. A copy of the final decision taken shall be supplied to the applicant. The representation to be decided as early as possible preferably within a period of 3 months from the date of receipt of the representation.

J

.. 3 ..

4. The respondents are directed that the applicant shall not be dis-engaged until a period of 2 weeks expires after the decision on the representation in the event of rejection of his representation is communicated to the applicant. The direction shall stand automatically vacated after that period. Till such time the representation if submitted in time is disposed of the applicant shall be continued as a casual labour.

5. With the above observations the OA is disposed of with no costs.



(R.RANGARAJAN)

Member (Admn.)

Dated ; 05-03-1997

Dictated in the Open Court

Authd
123 83
Di. 10/03/97 (3)

sd

Copy to:-

1. The Chairman, Telecommunications, Telecom Commission, New Delhi.
2. The Director General, Telecommunications, New Delhi
3. The Chief General Manager, Telecommunications, A.P. Circle, Abids, Hyd.
4. The Dy. General Manager (Admn.), O/O DGMT, Telecommunications, A.P. Circle, Abids, Hyd.
5. The General Manager, Telecom District, Central Telegraph Office, Vijayawada.
6. The Senior Superintendent, Telegraph Traffic, O/O General Manager, Telecom District, Central Telegraph Office, Vijayawada.
7. One copy to Sri. V. Venkateswara Rao, advocate, CAT, Hyd.
8. One copy to Sri. ^{V. Rajinikanth} ~~N. R. Devaraj~~, sr. CCSC, CAT, Hyd.
9. One copy to Deputy Registrar (A), CAT, Hyd.
10. One spare copy.

RSM/-

10 copies
DR(A)

20/3/97

TYPED BY

CHECKED BY

COMPILED BY

APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

AND

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

DATED:

20/3/97

ORDER/JUDGEMENT

R.A./C.P/M.A. NO.

O.A. NO.

in
249/97

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLIED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS.

II COURT

YLKR

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
ब्रेक/DESPATCH
17 MAR 1997
हैदराबाद न्यायपीठ
HYDERABAD BENCH