

18-3-1988

MASR. 476 of 98 in OA 251 of 97

Objection raised by the office and
the reply furnished by the applicants have been
seen.

MAS are to be numbered and notices
issued.

Sd/-
HHRP
M(A)

sk

FORM NO.21

(See Rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

OA/ : TA / RA / CP / MA / PT 251...of 199

...M. Bujji.....Applicant(s)

versus

Tec. Chairman, Telecom, Respondent(s).
New Delhi & 5 Bar.INDEX Sheet

Serial No.	Description of Documents	Page
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MA 400/98	10-10-98	225 to 2810/98
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SPK
115/97Certified that the file is complete in
all respects.Signature of
Dealing Hand
(in Record Section).

Signature of S.O.

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH.

251

of 1997

M. Bujji

Applicant(s)

VERSUS

The Chairman, Telecom Commission, New Delhi, & 5 Others.

Respondent(s)

Date

Office Note

ORDER

13/97

OA is disposed of with
no order as to cost. Vide the
orders on separate sheet.

16.10.98

MR RN
MCA.

MA 400/98 disposed.

Granting further

2 Weeks time

Shinde

16x.98

M(CJ)

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

ORIGINAL APPLICATION NO. 251 of 1997

Shri M. Buji Applicant(s)

VERSUS

The Chairman, Telecom Commission

New Delhi and 5 others

Respondent(s)

The application has been submitted to the Tribunal by
Shri V. Venkateswara Rao Advocate/Party in person
under section 19 of the Administrative Tribunal Act, 1985 and
the same has been scrutinised with reference to the points mentioned
in the check list in the light of the provisions in the
Administrative Tribunal (Procedure) Rules 1987.

The application is in order and may be listed for
admission on 2-9-97

Cx
22/2/97
Scrutiny Asst.

AN. S. M. 24/2/97
DEPUTY REGISTRAR (AUDL)

11. Have legible copies of the annexure duly attested been filed. Yes

12. Has the applicant exhausted all available remedies. Yes

13. Has the Index of documents been filed, and pagination done Properly. Yes

14. Has the declaration as required by item No. 7 of form, I been made. Yes

15. Have required number of envelops (file size) bearing full address of the respondents been filed. Yes

16. (a) whether the relief sought for, arise out of single cause of action.

17. (b) Whether any interim relief as prayed for, Yes

17. In case an MA for condonation of delay in filed, is it supported by an affidavit of the applicant.

18. Whether this case can be hearded by single Bench. Yes

19. Any other Point.

20. Result of the Scrutiny with intial of the scrutiny clerk. May be filed!

Ar
22/2/97
Scrutiny Assistant.

Section Officer.

Deputy Registrar.

Registrar.

CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH

Dairy No. 520/97

Report in the Scrutiny of Application.

Presented by Mr. N. Venkateswara ^{date of Presentation. 20/2/97}
Applicant (s) M. Bujji ^{Reo}Respondent (s) The Chairman, Telecom New Delhi Sons ^{Commission}
Nature of grievance. Temporary status and regularization
No. of applications 1 No. of Respondents. 6...CLASSIFICATIONSubject Temp. status. Ch. (No. N) Department. Telecom. (No. 11)
regularization

1. Is the application in the proper form, (three complete sets in paper books form in two compilations.	Yes
2. Whether name, description and address of all the Parties been furnished in the cause title.	Yes
3. (a) Has the application been fully signed and verified.	Yes
(b) Have the copies been duly signed.	Yes
(c) Have sufficient number of copies of the application been filed.	Yes
4. Whether all the necessary parties are impleaded.	Yes
5. Whether English translation of documents in a language other than English or Hindi been filed.	-
6. Is the application on in time, (See Section 21)	Yes
7. Has the Vakalatnama/ Memo of Appearance/Authorisation been filed.	Yes
8. Is the application maintainability. (U/s 2, 14, 18, or U/R. 8 etc.)	Yes
9. Is the application accompanied IPO/DD, for Rs. 50/-	Yes
10. Has the impugned orders Original, duly attested legible copy been filed.	Yes

* CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH : HYDERABAD

INDEX SHEET

O.A.NO. 251 of 1997.

CAUSE TITLE M. Bujji

VERSUS

* The Chairman, Telecom Commission, New Delhi & 5 Others.

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6.	Covers	Six

Regd. - To direct the respondents to grant temporary and regularisation of the services of the applicant by extending the Casual Labourers Scheme, 1989 to him by declaring the letter dt 31.7.1995 as illegal.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH

AT HYDERABAD.

S. P. C. Case

Temporary Status and
regularisation

O. A. No. 251 of 1997

Telecom (P)
(No. II)

Between:

M. Bujji

.. Applicant

And

The Telecom Commission, rep. by
its Chairman and others.

.. Respondents

CHRONOLOGY OF EVENTS

S. No.	Date	Description	Page No.
1.	01-05-94	Initial engagement of the applicant in the Department of Telecom	2
2.	22.06.88	Scheme of Casual Labourers regularisation and grant of temporary status	2
3.	31.07.95	Impugned letter issued by the R. 4	5
4.	18.06.96	Orders in O. A. No. 777/96 by this Hon'ble Tribunal	6

Hyderabad,

Dated: 10-02-1997.

B. N. R.
Counsel for the Applicant.

Received
Dr. 20/2/97
R. Denry
F. N. R. Denry



(2)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD.

O.A.NO. 251 OF 1997

Between:

M. Bujji .. Applicant

And:

The Telecom Commissioner, rep. by
its Chairman and others. .. Respondents

MATERIAL PAPERS INDEX

S.No.	Date	Description	Page Nos.	Ann-No.
1.		Original Application	01 to 07	
2.	31-07-95	Impugned letter issued by the Respondent No.4	08	I
3.	18-06-96	Orders issued in O.A.No. 777/96 by this Hon'ble Tribunal.	09 to	II

Hyderabad,

Dated : 02-1997.

Counsel for the Applicant.

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Application filed under Section 19 of the Administrative
Tribunals Act, 1985

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD.

O. A. NO. 251 OF 1997

Between:

Merugu Bujji, S/o M. Raghavulu,
aged about 29 years, Occ: Casual Labourer,
Resident of Telecom Centre, Kaikalur,
Krishna District. .. Applicant

And:

1. The Telecom Commission,
Represented by its Chairman,
Telecommunications, New Delhi.
2. The Director General,
Telecommunication, New Delhi.
3. The Chief General Manager,
Telecommunications, A.P. Circle,
Abids, Hyderabad.
4. The Dy. General Manager (Adm.)
Office of CGMT, Telecommunications,
A.P. Circle, Abids, Hyderabad.
5. The General Manager,
Telecommunications District, Central
Telegraph Office, Vijayawada.
6. The Senior Superintendent,
Telegraph Traffic, O/o General
Manager Telecom District,
Central Telegraph Office,
Vijayawada. .. Respondents.

DETAILS OF THE APPLICATION

1. PARTICULARS OF THE APPLICANT: The particulars of the applicant is the same as shown in the cause title. The particulars of the applicant for the purpose of service of summons, notices, processes etc., is that of his counsel M/s. V. Venkateswar Rao, K. Phani Raju & K. Raja Mallaiah, Advocates, 1-8-430, 1st Floor, Uma Gardens, Chikkadapally, Hyderabad-20.
2. PARTICULARS OF THE RESPONDENTS: The particulars of the respondents for the purpose of service of summons, notices, processes etc., are the same as shown in the cause title.

3. ORDERS AGAINST WHICH THE O.A. IS FILED : The applicant herein files the present O.A. aggrieved by the letter No. TA/TEC/20-1/PT/KW/16, dated 31-7-1995 issued by the 4th respondent and also for similar directions issued by this Hon'ble Tribunal in O.A.No.777/96 dated 18.6.1996.

4. JURISDICTION: The applicant submit that the original application filed is well within the jurisdiction of this Hon'ble Tribunal as provided under Section 14(1) of the Administrative Tribunals Act, 1985 in as much as the applicant is employed as casual labourer within the territorial jurisdiction of this Hon'ble Tribunal and is the Department of Telecom.

5. LIMITATION: The applicant declare that the original application filed is well within the limitation period as prescribed under Section 21(1) of the Administrative Tribunals Act, 1985, in as much as the impugned letter is dated 31-7-95 and the orders in O.A.No.777/96 is dated 18.06.1996.

6. FACTS OF THE CASE: The applicant herein respectfully submits that he is engaged as casual labourer from 15.11.89 onwards in the Department of Telecommunications. The applicant is discharging his duties of Class-IV nature continuously at ~~Telegraph Office~~ Telecom Centre, Keikalur, Krishna Dist. He has completed more than 240 days of work from 1-5-1994 onwards. He has continued in the service of casual labourer without any break and is still functioning in the same capacity.

II) As per the scheme applicable to the casual labourers all the casual labourers who were in service as on 22.6.88 were regularised in terms of the scheme of casual labourers grant of temporary status and regularisation scheme. Though the applicant has become eligible

and entitled for grant of Temporary Status and regular absorption in the Department against Group-D vacancies, the authorities are continuing the applicant deliberately on casual basis. Though the work entrusted to him is continuous and is perennial in nature, the applicant is not regularised so far and he has been continued only on casual basis. Continuance of the applicant as casual labourer by the authorities is only with an ulterior motive of denying him his right to regularisation and treatment on par with regular employee. As per the scheme reference to above, the applicant herein has become fully eligible and entitled to grant of temporary status and regular absorption in the department. He has engaged and his services are utilised as casual labourer continuously in the exigency of the Department and there is work and need for employment. Denial of grant of Temporary Status and regular absorption to the applicant merely on the ground that he is engaged after 22-6-1988 is illegal and arbitrary. The applicant is entitled for the benefits under the scheme of Grant of Temporary Status and Regularisation. Denial of the same would constitute discrimination forbidden by the Constitution of India under the provisions of Article 14 & 16 of the Constitution of India. A similar scheme is in operation in the Railways wherein the casual labourer are granted the Temporary Status etc., without reference to any cut off date. Prescriptions of cut off date in those circumstances is violative of Article 14 of the Constitution of India. The applicant herein has fulfilled the entire criteria laid down in the scheme for grant of temporary status and regular absorption etc. but for the cut off date which is arbitrary. Hence, he is entitled for the reliefs prayed for by him in the present O.A.

III) It is further submitted that on the basis of the instructions issued by the 4th respondent on 31.7.95 there is threat to the continuance of the services of the applicant as casual labourer. As on today he is being continued in service. Instructions issued by the 4th respondent vide his letter dated 31-7-1995 are highly illegal and arbitrary. Attempts are being made to replace the applicant herein by entrusting the work to contract labourers to the contract workers as the same is of the perennial nature connected with the Department of Telecommunications. It would be not only violative of Article 14 & 16 of the Constitution of India but ultravires of the provisions of the Contract Labour (Regulation and Abolition) Act, 1976. Such an attempt on the part of the respondents would deprived of the applicant of his livelihood in violation of Article 21 of the Constitution of India. The Department of Telecom have not obtained any licence from the concerned authorities as required under the provisions of the Contract Labour (Regulation and Abolition) Act, 1976 to invite tenders for entrusting the work of casual labourers to outside agencies. On the basis of the said instructions the 5th respondent may initiate steps any time and disengage the applicant herein as casual labourer. If such a thing happens the applicant would suffer great hardship and irreparable loss.

IV) It is further submitted that when administrative decisions was taken to retrench the daily rated Mazdoors in each Division who were appointed after 1-4-1985, the Principal Bench of the Hon'ble Tribunal in O.A. No. 529/88 held in its judgment dt. 4.5.1988 that the decision to retrench these casual mazdoors is not valid in view of the

Supreme Court Judgment dt. 27-10-87 in daily rates casual labourer employed in P & T Department Vs. Union of India. Accordingly, the impugned letters dt. 31.7.1995 issued by the 4th respondent directing the authorities to dispense with the services of the casual labourers engaged after 22-6-88 is wholly illegal and arbitrary and is liable to be quashed.

V) It is further submitted that the Department of Posts vide its letter No. 66-52.Spd-1, dt. 1.11.1995 decided that the full time casual labourers recruited after 29.11.1989 and upto 10.9.93 be considered for grant of the benefits of temporary status and regularisation under the Casual Labourers (Grant of Temporary Status and Regularisation Scheme), 1989 framed pursuant to the directions of the Hon'ble Supreme Court of India in daily rated employees of P & T Vs. Union of India (AIR 1987 SC 2343). It is held by the Hon'ble Supreme Court of India in its order dated 17-4-1990 in Ram Gopal & others Vs. Union of India that its decision cited above squarely applies to the casual labourers of the Telecom Department. As such it is necessary that the benefits under the scheme may be applied to the casual labourers recruited after 22-6-1988 also in the Telecom Department as in the case of the Postal Department.

VI) It is further submitted that the casual labourers similarly situated have filed O.A. No. 777/96 in this Hon'ble Tribunal for the same relief, which was dispensed on 18.6.1996. In the said judgment directions were given to the respondents to take a decision regarding regular absorption of the casual labourers of the Department in the light of the observations made therein and a representation to be submitted by the

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applicants. Interim orders of Stay of disengagement was also granted until a period of two weeks expires after the decision on the representation in the event of rejection of the representation is communication to the applicants. Accordingly, they are all continuing as casual labourers and number of casual labourers filed O.As. in this Hon'ble Tribunal i.e. O.A.Nos. 1253/96, 1282/96, 1285/96 etc., which was disposed of with the similar directions as were granted in O.A.No.777/96. The representations submitted by the casual labourers in all the said O.As. are still pending with the 1st respondent and the 1st respondent is yet to take any decision. The applicant herein is also entitled for the similar relief in view of the facts and circumstances explained above.

7. MAIN RELIEF: Therefore in the interest of justice the applicant herein pray that this Hon'ble Tribunal may be pleased to direct the respondents to grant Temporary Status and Regularisation of the services of the applicant by extending the Casual Labourers (Grant of Temporary Status and Regularisation) Scheme, 1989 to him, by declaring the letter No.TA/TRC/20-1/92/PT/KW/16, dated 31-7-1995 as illegal, arbitrary and unconstitutional and quash the same with all consequential benefits and pass any other order or orders as is deemed fit, proper, necessary and expedient in the circumstances of the case.

8. INTERIM RELIEF: The applicant herein further prays that this Hon'ble Tribunal may be pleased to Stay all further proceedings including disengagement of the applicant herein as casual labourer in pursuance of the letter No.TA/TFC/20-1-92/PT/KW/16, dt. 31-7-1995 issued by the 4th respondent in the interest of justice and pass any other

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order or orders as is deemed fit proper, necessary and expedient in the circumstances of the case.

9. REMEDIES EXHAUSTED: There is no other alternative and effective remedy to the applicant except to approach this Hon'ble Tribunal in view of the facts and circumstances explained above in compliance of the provisions of Section 20 of the Administrative Tribunals Act, 1985.

10. MATTERS NOT PENDING WITH ANY COURT ETC.: The applicant herein submit that he has not filed any other O.A. or any case before any other Forum to the same subject matter nor writ petition filed in this regard.

11. POSTAL ORDERS ETC.: An Indian Postal Order No. 265930/276418 dated 17/2/97 for Rs.55/- (Rupees Fifty five only) drawn in favour of the Registrar, Central Administrative Tribunal, Hyderabad Bench, Hyderabad is enclosed herewith. *C.P.O. B.S.I.D.D. Ram...*

12. DETAILS OF INDEX: An Index showing the details of materials papers to be relied in the case is enclosed herewith.

13. ENCLOSURES: 1) Vakalatnama (2) Postal Order for Rs.55/- 3) Chronology of Events & Material Papers Index (4) Material Papers.

VERIFICATION

I, M.Buji, the applicant herein do hereby verify that the paragraphs Nos. 1 to 13 are true and correct to the best of my knowledge, belief and on information, hence verified on this 14 day of February, 1997.

M.Buji
Counsel for the
Applicant.

X M.Buji
Applicant.

Min. of Commns.

Dept. of Telecom.

Office of the Chief General Manager Telecom. A.P., Hyderabad-1.
Doorsanchar Bhawan, Hanumappa Street, Hyderabad.

No. TA/TEC/20-1/22/MT/Kit dated at Hyd-1, the 31-7-95

To
All Sr. Supdt. Tele. Tfc/Supdt. Tel. Tfc in A.P.
The Chief Supdt. C.T.C. Hyderabad.

Sub:- Irregular appointment of Part Time employees/
Casual Mazdoors.

Ref:- Director (T.T.) A.P. Circle Hyderabad letters
(1) No.TA-TS/EST/R-1/91 dated 23-8-91
(2) No.TA/EST/2-13/93 dated 19-2-93.

Attention is invited to the letters cited under reference, wherein it was clearly intimated that employment of Part-time/Casual labourers and contract labourers on individual basis was irregular and suitable instructions were also given about entrusting the works of contract type like cleaning offices, bringing water etc to an agency after calling for competitive quotations or tenders.

Inspite of the above said instructions and provisions contained in DCT letters No. 270/6/84-STM dated 30-3-85, No. 269-1/90-STM dated 17-12-93 (related to the Cut-off dates 30-3-85 and 22-6-88), it has come to the notice of this office that employment of Part-time/individual contract labourers/Casual labourers has been resorted to in Telegraph Traffic side and C.G.M. Telecom. A.P. Circle Hyderabad has taken a very serious view in the matter.

It is therefore, once again, instructed that any employment of Part-time/individual Contract labourers/Casual labourers, on any pretext whatsoever, after 22-6-88 is highly irregular and the officers resorted to such indiscriminate and irregular employment of the officials said above would be solely responsible for the consequences pursuant to number of cases in honourable Central Administrative Tribunals. Any such irregular employment should be discontinued immediately and the needs to be strictly met with by calling for quotations/Tenders. Compliance may be reported to the undersigned.

✓ (R.G.SALAI)
by General Manager (Admn)
O/o G.M. Telecom. A.P.
Hyderabad-500 001.

Co. Y:-
1. All General Managers Areas/ Districts Telecom. A.P. Circle.
2. General Manager, Hyd. Telecom. Dist. Hyderabad
3. Area Managers Hyderabad North, Central and South
4. All T.D.Ms/T.D.Gs in A.P. Circle.

TC
lu

(Orders per Hon'ble Shri Justice M.G.Chaudhari,
Vice-Chairman).

The applicants allege that they have been engaged as casual labourers in the Department of Telecommunications from the dates respectively mentioned in Annexure-I and have been working at the places mentioned in that Table. The dates of appointments range from 27-11-1986 to 7-1-1995. The applicants contend that by reason of their length of service without break as Casual Labourer from the respective dates of their engagement they have become entitled to be granted Temporary Status and regularisation under the "Casual Labourers (Grant of Temporary Status and Regularisation) Scheme. It is their grievance that the Respondents have however not granted them temporary Status and regularisation. They therefore prayed that the respondents may be directed to give them the benefit of the scheme. The applicants also challenged the letter dt.31-7-95 issued by the Chief General Manager, Telecommunications, A.P., Hyderabad. They state that they apprehend that on the basis of that letter they may be dis-engaged at any time although no such step ^{has} so far been taken and they are continued to work.

2. The scheme mentioned above came into force with effect from 1-10-89. The eligibility for acquiring temporary status which is essential for regularisation thereafter is that the employee should have been employed currently i.e. on 1-10-89 and should have rendered a continuous service of ~~at least one~~ ^{240 days minimum} year, out of which they must have been engaged for more than

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AT
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

Original Application No. 1777/96.

Dt. of Order: 18-6-96.

Between :-

1. T. Hanumanthu	17. J. Guru Prasad
2. H. Vijaya Kumar	18. R. Jayaraju
3. J. Siva Sai Kumar	19. S. Shaheem
4. R. Prasad	20. R. Varadha Reddy
5. T. R. Srinivasa Rao	21. V. Jayaramudu
6. A. Jagadish Kumar	22. S. Amear Basha
7. S. Nagabhushanam	23. A. Venugopala Rao
8. G. Krishna	24. U. Ramanujaneyulu
9. J. Gurumurthy	25. S. Nazeer Hussain
10. V. Chakrapani	26. M. Ichhd. Hussain
11. J. Raghavendra Rao	27. S. Ravi
12. A. Gopal	28. S. V. S. Rama Krishna Kumar
13. T. Shankaraiah	29. K. Rajakumar
14. S. Madan Mohan	30. P. Sivaramaiah
15. G. Venu Lopal	31. B. Sudhakar Reddy
16. D. Chandra Sekhar	32. G. 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, Telecommunications, AP Circle, Abids, Hyderabad.
4. The Dy. General Manager (Admin), 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. Devraj, Sr. CGSC

CORAM:

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

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

...2.

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time, 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, as the task is not easy to be carried out

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 into clause (1)(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 being same) in case of all the above scheme with variation in the recruited date.

4. 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-

by more than one of the applicants.

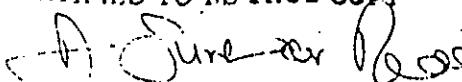
7. On the representation being received from any of the applicant, or all of them by the Respondents in respective places within the period stipulated herein above, the authority concerned to examine the matter and take a decision as to whether benefit of the scheme can be extended to the applicant and if not, record ^{brief} 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.

प्राप्ति का
CERTIFIED TO BE TRUE COPY

 Surender Kumar

सुरेन्द्र कुमार
COURT OFFICER
कर्नाटक विधानसभा
संविधानसभा नियन्त्रण
प्राप्ति का
प्राप्ति का

✓
✓

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(15)

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 disengagement, 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 extant and not to file a joint representation.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD.

M.A.Nos.384 to 401/98 in OA.Nos.234 to 248/96,250 to 252/97

Dated: 16.10.1998.

Between:

N. Bujji

.. Applicant in MA 400/98

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.) O/o CGMT, 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 in all the M.As.

Counsel for the Applicant

: Mr. Venkateswara Rao. V.

Counsel for the Respondents

: Mr. N.R. Devaraj, Sr. CGSC in MA.384 to 396/98
Mr. V. Vinod Kumar, Addl. CGSC in MA.397 to 400/98
Mr. V. Rajeswara Rao, Addl. CGSC in MA.401/98 in OA.252/97

CORAM:

THE HON'BLE MR. B. S. JAI PARAMESWAR : MEMBER (J)

* * *

THE TRIBUNAL MADE THE FOLLOWING ORDER:-

The applicant has filed this MA for implementation of the direction dt. 5.3.97 given in the OA.

2. In the OA, the respondents were directed to consider the representation of the applicant for grant of temporary status. The direction was given on 5.3.97. It is not understood as to why the respondent have taken more than 18 months to take decision on the representation. The respondents shall comply with the directions within three weeks from the date of receipt of a copy of this order.

3. Thus MA is disposed of. No costs.

Deputy Registrar
Deputy Registrar

Copy to:-

1. The Chairman, 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 CGMT, Telecommunications, A.P.Circle, Abids, Hyderabad.
5. The General Manager, Telecom District, Central Telegraph Office, Vijayawada.
6. The Senior Superintendent, Telegraph Traffic, O/o The General Manager, Telecom District, Central Telegraph Office, Vijayawada.
7. One copy to Mr. V.Venkateswara Rao, Advocate, C.A.T., Hyd.
8. One copy to Mr. N.R.Devaraj, Sr.CG/IC., C.T., Hyd.
9. One copy to Mr. V.Vinod Kumar, Addl.CG/IC., C.A.T., Hyd.
10. One copy to Mr. V.Rajeswara Rao, Addl.CG/IC., C.A.T., Hyd.
11. ~~36~~ 1. Duplicate copies.
12. 18 Original copies.

srr

16/10/98
Cctoday

II COURT

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI A. RAJAGARAJAN : M(A)

AND

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

DATED: 16/10/98

ORDER/JUDGMENT

M.A/201/C/200/98

in
O.A. NO. 251/97

~~ADMITTED AND INTERIM DIRECTIONS
ISSUED~~

~~MA
ALLOWED~~

~~DISPOSED OF WITH DIRECTIONS~~

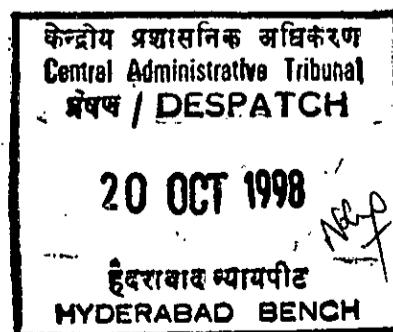
~~DISMISSED~~

~~DISMISSED AS WITHDRAWN~~

~~ORDERED/REJECTED~~

~~NO ORDER AS TO COSTS~~

YLR



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD.

M.A.Nos.384 to 401/98 in OA.Nos.234 to 248/97, 250 to 252/97

Dated: 16.10.1998.

Between:

Mr. Biju

Applicant in MA/200/98

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.) O/o CGMT, 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 in all the M.As.

Counsel for the Applicant

: Mr. Venkateswara Rao V.

Counsel for the Respondents

: Mr. N.R. Devaraj, Sr. CGSC

in MA.384 to 396/98

Mr. V. Vinod Kumar, Addl. CGSC

in MA.397 to 400/98

Mr. V. Rajeswara Rao, Addl. CGSC

in MA.401/98 in OA.252/97

CORAM:

THE HON'BLE MR. B.S. JAI PARAMESWAR : MEMBER (J)

* * *

THE TRIBUNAL MADE THE FOLLOWING ORDER:-

The applicant has filed this MA for implementation of the direction dt. 5.3.97 given in the OA.

2. In the OA, the respondents were directed to consider the representation of the applicant for grant of temporary status. The direction was given on 5.3.97. It is not understood as to why the respondent have taken more than 18 months to take decision on the representation. The respondents shall comply with the directions within three weeks from the date of receipt of a copy of this order.

3. Thus MA is disposed of. No costs.

// CERTIFIED TO BE

COURT

X
Registrar

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH: HYDERABAD

M.A.No. 400 OF 1998

IN

O.A.No. 251 OF 1997

Between:

M.Bujji, S/o.M.Raghavalu, aged about
30 years, Occ: Casual Labourer, R/o.
Kaikalur, Krishna District.

•Petitioner/
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.CErcle, 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/
Respondents

MISCELLANEOUS APPLICATION FILED UNDER SECTION
27 OF THE ADMINISTRATIVE TRIBUNALS ACT, 1985

For the reasons, stated in the accompanying affidavit,
it is prayed that this Hon'ble Tribunal may be pleased to
direct the Respondents herein to implement the judgment of this
Hon'ble Tribunal in O.A.No.251 dated 5-3-1997 forthwith
in the interest of justice and pass any other order or
orders as is deemed fit, proper, necessary and expedient
in the circumstances of the case.

Hyderabad,

Date: U -02-1997


COUNSEL FOR THE APPLICANT

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD
BENCH AT HYDERABAD

M.A.NO. 100 OF 1998

IN

O.A.NO. 251 OF 1997

Between :

M.Bujji ..Petitioner/Applicant

AND

The Telecom Commission & others ..Respondents/
Respondents

A F F I D A V I T

I, M.Bujji, S/o.M.Raghavalu, aged about 30 years, Occ: Casual Labourer, Resident of Kaikalur, Krishna District having temporarily come down to Hyderabad, do hereby solemnly affirm and state on oath as follows:

1. I am a Petitioner herein, and applicant in the above O.A. and hence I am well acquainted with the facts of the case.

2. I respectfully submit that I have filed the above O.A. seeking directions to the Respondents to grant temporary status and regularisation to me by applying the provisions of Casual Labourers (Grant of Temporary Status & Regularisation) Scheme, 1989 with all consequential benefits in as much as I am entitled and eligible for the same. This Hon'ble Tribunal was pleased to dispose of the said O.A. on 5-3-1997 with the following directions:

"i) It is left open to the applicant to file a representation to the respondents for the relief as prayed for in this O.A. 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."

The respondents were also directed not to disengage me only a period of two weeks expires after the decision on the representation in the event of rejection of the same is communicated to me.

3. Accordingly, I submitted a representation to the Respondents enclosing a copy of the judgment and also requesting for grant of temporary status and etc. Thereafter, no reply was given by any of the respondents to the representation submitted by me. I am continued in service. By the letter of the 1st Respondent herein I am asked to submit the details of my initial engagement etc. I submitted my reply with the details to the 1st Respondent. No orders as directed by this Hon'ble Tribunal in its order dated 5.3.1997

// 3 //

are passed on my representation. Eventhough, the time stipulated by this Hon'ble Tribunal in its order for disposal of the representation expired long ago no orders granting temporary status and regularisation are communicated to me so far in implementation of the judgment of this Hon'ble Tribunal. If the directions of this Hon'ble Tribunal are not complied with I would suffer irreparable loss and damage. I am continued as casual labourer by the Respondents without passing any orders. In action on the part of the respondents in no considering my representation in terms of the directions of this Hon'ble Tribunal is violative of Article 14 of the Constitution of India as it is illegal and arbitrary.

4. Hence, it is prayed that this Hon'ble Tribunal may be pleased to direct the Respondents herein to implement the Judgment of this Hon'ble Tribunal in O.A. No.252/97, dated 5.3.1997 forthwith in the interest of justice and pass any other order or orders as is deemed fit, proper, necessary and expedient in the circumstances of the case.

Sworn and signed

before me on this

the 1st day of February,

1998. X M. Balaji

Deponent
Identified by Mr. M. Balaji

Advocate
H.D.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No.251/97

Date of order 16.3.97

BETWEEN:

M.Bujji

.. 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.Vinod Kumar

CORAM:

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

JUDGEMENT

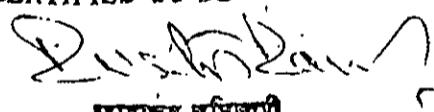
Heard Mr.V.Venkateswara Rao, learned counsel for the applicant and Mr.V.Vinod Kumar, learned standing counsel for the respondents.

2. The applicant in this OA alleges that he had been engaged as a casual labour in D.O.T. from 15.11.89 and is

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.

प्राप्ति प्राप्ति
CERTIFIED TO BE TRUE COPY


कानूनी विभागीय
COURT OFFICER
केन्द्रीय प्रशासनिक अधिकार
Central Administrative Tribunal
हैदराबाद वाराणीस
HYDERABAD BENCH

Case Number: OA 254/82

Date of Judgement: 5/3/82

Date of Disposition: 14/3/82

By: [Signature]

अधिकारी का नाम (अधिकारी)
Section Officer (S)

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.



1) How this MA is maintainable
 2) 2 m/s hope of M/s
 M/s. to be find.

for Implementation

26/2/98

14 days from

obj. A viability & content
 provision in the Act is no bar
 for taking MA for implementation
 U/s-27 of AT Act. Hence the
 MA is maintainable
 (observing 14 days)
 Here Complied with

IN THE CENTRAL ADMINISTRATIVE
 TRIBUNAL: HYDERABAD BENCH
 HYDERABAD

M.A.NO.

OF 1998

IN

O.A.NO.

251 OF 1997

Between:

M.Bujji

Petitioner/
 Applicant

And

The Telecom
 Commission &
 Others

Respondents/
 Respondents



WQ
 9/3/98

MISCELLANEOUS APPLICATION
 FILED UNDER SECTION 27 OF
 THE ADMINISTRATIVE TRIBUNAL
 ACT, 1985

FILED ON: -02-1998



MR. V. VENKATESWAR RAO
 ADVOCATE

COUNSEL FOR THE APPLICANT

Re: sub to Records m.16/2/98

Received

has been filed 16/2/98
 16/2/98 16/2/98 doc# 16/2/98

18-3-1988

MASR. 476 of 98 in OA 251 of 97.

Objection raised by the office and the reply furnished by the applicants have been seen.

MAs are to be numbered and notices issued.

Sd/-
HHRP
M(A)

sk

Notice n m/s
23-7-98

ar
11/6/98

रुप/ORIGINAL

MA 400/98 in OA 251/97

16-10-98

Heard Sri V. Venkateshwar Rao, counsel for the applicant and Sri W. Satyanarayana for Sri V. Vinod Kumar, learned standing counsel for the Respondents.

मुख्य संचार TELECOM CENTRAL ADMINISTRATIVE TRIBUNAL SINGLE MEMBER CASE HYDERABAD BENCH, HYDERABAD

M.A. No.

4100

of 1998

IN

O.A. No.

251

of 1998

2. The applicant has filed this MA for implementation of the direction dt. 5-3-97 given in the OA.

3. In the OA the respondents were directed to consider the representation of the applicant for grant of temporary status. The direction was given on 5-3-97.

It is not understood as to why the Respondents have taken more than 18 months time to take decision on the representation. The Respondents shall comply with the directions within three weeks from the date of receipt of a copy of this order.

for Implementation

4. Thus the MA is disposed of.

No costs.

B. Sunder
(HBSJP)
16.10.98 M(3)

Mr. V. Venkateshwar Rao

COUNSEL FOR THE APPLICANTS.
AND

Mr. V. Vinod Kumar

Sr. ADDL. STANDING COUNSEL FOR C.G.