

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

O.A.278/97

Date of decision: 17-10-1997

Between:

Smt. K. Raghavulu

.. Applicant

A N D

1. The Director,
Small Industries Service Institute,
Ministry of Industry, Govt. of India,
Narsapur X Roads, Balanagar,
Hyderabad - 37.
2. The Development Commissioner,
Small Scale Industries,
Nirman Bhavan, 7th Floor,
New Delhi - 11.
3. The Principal Accounts Officer,
Ministry of Industry, IVth Floor,
Sastry Bhavan,
New Delhi - 1.

.. Respondents

Counsel for the applicant: Shri S. Rama Krishna Rao

Counsel for the respondents: Ms. Syama Sundari for
Mr. K. Ramuloo

Coram:

Hon'ble Shri H. Rajendra Prasad, Member(A)

OA.278/97

dt.17-10-97

Judgement

Oral order (per Hon. Mr. H. Rajendra Prasad, Member(Admn.)

Heard Mr. S. Ramakrishna Rao for the applicant and Ms. Syama Sundari for Mr. K. Ramuloo on behalf of respondents.

2. The applicant has been engaged intermittently as casual labourer from April, 1989; ^{however,} ~~but~~ although her engagement is described as intermittent, the frequency of her engagement has been recurring and regular as seen from the details furnished by the applicant :-

No. of days engaged as Casual Labour :

| | | |
|-------------------|----|-----------|
| 1989 | .. | 242 days |
| 1990 | .. | 295 days |
| 1991 | .. | 310 days |
| 1992 | .. | 356 days |
| 1993 | .. | 361 days |
| 1994 | .. | 355 days |
| 1995 | .. | 360 days |
| 1996 | .. | 350 days |
| 1997 upto October | .. | 300 days. |

3. Under the provisions of relevant orders and instructions of the Department of Personnel regarding conferment of temporary status etc. on casual labourers (DGP & Training memo No.49014/2/86-Estt.(C) and Development Commissioner, Ministry of Industry No.34011/10/93-O&M with reference to Department of Personnel and Training OM.No. 51016/2/93-Estt.(C) dt.10-9-1993) the applicant was conferred temporary status vide Annexure-II since she had fulfilled all conditions stipulated for the same. It would appear that the Internal Inspection Wing of the Principal Accounts Office, Ministry of Industry (Respondent No.3) during a routine inspection of accounts of

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of Respondent-1, objected to the action by the said Respondent taken on the ground that the applicant is not ~~any~~ covered by Govt. of India instructions in this regard. Thereupon the orders contained in Annexure-II were ordered withdrawn vide Annexure-I which is the impugned order in this case.

4. The only ground taken by the respondent ^{is} that casual labourers should not have been engaged for task(s) which have the features of a regular and repetitive work. The fact, nevertheless, in the present case is that the applicant was repeatedly engaged on jobs or tasks which had all the features of ongoing and constant character. It is stated that she was engaged for gardening, sweeping and supplying water for water-coolers. It is additionally stated in the counter that, although these were the tasks for which she was engaged initially, she was intermittently entrusted with the routine work of group-D officials owing to a general shortage of staff in the office. It is submitted by Mr. Ramakrishna Rao, that the applicant has almost always been utilised as a substitute for Group-D officials, proceeding on leave from time to time. This is admitted too, at least in part, by the Respondents. None of this would suggest that she was employed on casual basis for a particular piece or job work. What certainly seems to have happened is that she was engaged regularly for a period of eight years on these and other tasks and was made to perform often the work normally turned out by regular Gr. 'D' staff. Such being the case, it would be futile to argue that she was engaged only on casual basis for a specified task ^{of} random, non-recurring type. And even this is not clearly stated by the Respondents who say, on the contrary, that she was made to work as substitute Gr. 'D' official.

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5. Under the circumstances it is difficult to see how the grievance of the applicant can be ignored or her claim resisted. Taking into account the nature, duration and frequency of her engagement, and in view of type of services rendered by her in successive years, the action of Respondent No.1 in conferring temporary status on the applicant was not incorrect. The impugned orders were issued on apparently untenable grounds and in disregard of the actual facts on ground, merely as a knee-jerk reaction to an audit observation. These orders cannot be sustained.

6. In the light of what has been stated above, the order issued by Director, Small Industries Service Institute in Memo No.D(SI)H/A.8(7)/94-Estt/15660 dt. 30-10-1996 is hereby set aside. Consequently, the orders contained in the said Respondent's memo No.D(SI) H/A.1(7)/94 Estt. dt. 22-8-1996 stand restored. Thus the OA is disposed of.

SK/MD

(H. RAJENDRA PRASAD)
Member (A)

Dictated in the open court

Deputy Registrar

O.A.278/97.

To

1. The director, Small Industries Service Institute,
Ministry of Industry, Govt.of India,
Narsapur X Roads, Balanagar, Hyderabad-37.
2. The Development Commissioner,
Small Scale Industries,
Nirman Bhavan, 7th Floor, New Delhi-11.
3. The Principal Accounts Officer,
Ministry of Industry, IVth Floor,
Sastry Bhavan, New Delhi-1.
4. One copy to Mr.S.Ramakrishna Rao, Advocate, CAT.Hyd.
5. One copy to Mr.K.Ramulu, Addl.CGSC. CAT. Hyd.
6. One copy to HHRP.M.(A) CAT.Hyd.
7. One copy to D.R.(A) CAT.Hyd.
8. One spare copy.

pvm.

20/11/97

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:- 17/10/97

~~ORDER~~ JUDGMENT.

M.A.,/RA.,/C-A.No..

in

O.A.No. 278/97.

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.

