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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No. 589/97

Date of Order : 3.2.99

BETWEEN :

K.Venkamma

.. Applicant.

AND

1. The Telecom District Manager,
Ongole.
2. The Superintendent, Telegraph Office,
Nellore Division, Nellore.
3. The Chief General Manager,
Telecommunications, A.P.Circle,
Hyderabad.

.. Respondents.

— — —

Counsel for the Applicant

.. Mr. K.Venkateswara Rao

Counsel for the Respondents

.. Mr. V.Rajeswara Rao

— — —

CORAM :

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

HON'BLE SHRI B.S. JAI PARAMESWAR : MEMBER (JUDL.)

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O R D E R

X As per Hon'ble Shri R.Rangarajan, Member (Admn.) X

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Mr. K.Venkateswara Rao, learned counsel for the
applicant. None for the respondents.

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2. The applicant in this OA was engaged as a part-time sweeper in the office of Telegraph Master incharge D.T.O. Narasaraopeta by order No.E-3/83-84 dated 21.11.83. It is stated that she belongs to ST community. Her status of ST was also corroborated in Annexures-2 & 3 notifications issued by the respondent authorities.

3. The applicant was initially engaged as a part-time sweeper as per order dated 21.11.83 (A-1). The applicant was recommended for regular Group-D post by order No.E/GR.D/Rectt/94-95/29, dated 27.1.95 (A-2). She is the last candidate of the ST category in that list. By letter No.E8/94-95, dated 31.1.95 (A-4) she was relieved on the afternoon of 31.1.95 to report to A.S.T.T., Incharge Telegraph Office, Ongole for one week job training on 1.2.95 at 10.00 hours. By order No. E/GR.D/RECTT/94-95/32, dated 2.2.95 (A-3) she was posted to the station as mazdoor in the circumstances indicated in that letter. She was posted at TO Ongole. The above said posting order was kept in abeyance by the impugned memo No.E-4/48/Rectt/94-95, dated 7.2.95 (A-5).

4. This OA is filed to set aside the impugned order dated 7.2.95 and for a declaration that the applicant is entitled for appointment and posting as Test category Group-D official in accordance with the order No.E/Gr.D/Rectt/94-95/29, dated 27.1.95 read with order No.E/Gr.D/Rectt/94-95/32, dated 2.2.95

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issued by the Superintendent, Telegraph Traffic, Nellore with all consequential benefits such as seniority, pay and allowances.

5. A reply has been filed in this OA. It is seen from the reply that only temporary status mazdoors are eligible for regularisation and no recruitment is made till all casual mazdoors are regularised. As the recruitment of the applicant was made by the then STT Nellore against those instructions the recruitment was cancelled. Disciplinary action has also been initiated against STT Nellore under Rule 14 of CCS (CCA) Rules 1965. In view of the above the respondents submit that the application has to be dismissed.

6. The applicant was empanelled by order dated 27.1.95 and she was send for training by the order dated 31.1.95 and she was posted under TO Ongole by order dated 2.2.95 and that order was kept in abeyance ^{by} from the order dated 7.2.95. Thus the whole issue had taken place within a short period of 10 days. probably the respondents authorities realised the mistake for appointing, ^{as} casual mazdoor when ^{then} the casual mazdoors are available. Hence it cannot be said that the impugned order is irregular. The respondents authorities ^{no doubt} are/acted without checking the rules in this connection. Hence they forced the applicant to come to the Tribunal by filing this application.

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7. The applicant is an ST candidate. Availability of ST candidates from the open market is very negligible. Hence she can be considered if there is backlog vacancies reserved for ST or against ST roster point for future vacancies as she has passed the examination already and had also undergone training instead of recruiting ST candidates from open market.

8. In view of the above the following direction is given :

The case of the applicant along with the other ST candidate in the list dated 2.2.95 shall be posted against the backlog ST vacancies if available or may be considered for posting against the ST roster point in future vacancies instead of appointing fresh ST candidates from open market.

9. The OA is disposed of as above. No costs.

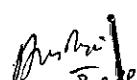

(B.S. JAI PARAMESHWAR)
Member (Judl.)

3.2.99


(R.RANGARAJAN)
Member (Admn.)

Dated : 3rd February, 1999

(Dictated in Open Court)


R.RANGARAJAN
8-28

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3-2-99
Ist and IIInd Court.

Copy to:

1. HDHNC
2. HHRP M(A)
3. HSSP M(J)

~~4. D.R. (A)~~

~~5. SPARE~~

Typed By
Compared by

Checked by
Approved by

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH:HYDERABAD.

THE HON'BLE MR. JUSTICE D.H.NASIR:
VICE - CHAIRMAN

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

THE HON'BLE R.RANGARAJAN
MEMBER (A)

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

DATED: 3-2-99

ORDER/JUDGMENT

M.A./R.A/C.P.NU.

IN

R.A.NC : 589/97

ADMITTED AND INTERIM DIRECTIONS
ISSUED.

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

Seven (7) (contd)

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
प्रेषण / DESPATCH

11 FEB 1999

हैदराबाद न्यायालय
HYDERABAD BENCH