

## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

\*\*\*

O.A. 921/97.

Dt. of Decision : 08-08-97.

G.Purushottam

.. Applicant.

Vs

1. The Union of India, rep.by its  
Secretary, Min.of Urban Development,  
Govt. of India, Nirman Bhavan,  
New Delhi-11.
2. The Director General of Works,  
Central P.W.D., Nirman Bhavan,  
New Delhi-11.
3. The Chief Engineer, Southern Zone II,  
Central P.W.D., 6th Floor, Posenett Bhavan,  
Tilak Road, Hyderabad.
4. The Superintending Engineer, (Electrical),  
Hyderabad Central Electrical Circle,  
Central P.W.D., Nirman Bhavan, Koti,  
Hyderabad-195.
5. The Executive Engineer,  
Hyderabad Central Electrical Divn.No.II,  
Central P.W.D., Nirman Bhavan, Koti,  
Hyderabad.
6. The Asst.Engineer (Electrical),  
Central Electrical Sub-Division No.IV,  
Central P.W.D., A.G. Office Complex,  
Hyderabad-4.

.. Respondents.

Counsel for the applicant : MR.P.B.Vijaya Kumar

Counsel for the respondents : Mr.V.Vinod Kumar, Addl.CGSC.

CORAM:-

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

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

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ORDER

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

Heard Mr.P.B.Vijaya Kumar, learned counsel for the applicant and Mr.V.Vinod Kumar, learned counsel for the respondents.

2. The applicant herein submits that he has been working from 15-10-92 on work order basis from time to time under R-6. He is being continued even <sup>this</sup> to day in some form or other. The applicant submits that he has been continued in view of the circular dated 18-08-93 as he has completed more than 240 days of service. He also submits that he possess the necessary qualification and is also otherwise eligible to hold the said post. The applicant had worked upto 15-7-97 and he was discharged by the order No.15/CESD-IV/97-98/1636 dated 07-07-97 (Annexure-IX). This order states as follows:-

"As per CAT Judgement dated above, the services of Sri G.Burshottam, Attendant may be terminated immediately. No fresher should be engaged in his place."

3. This OA is filed praying for a direction to the respondents to continue him in service as office Peon or in any other post by declaring that the action of the respondents in dispensing with his services vide proceedings No.15(CESD-IV/97-98/421 dated 15-7-97 (Annexure-X) of R-6 is arbitrary, illegal and malafide.

4. The main point submitted by the applicant <sup>is</sup> ~~is~~ that the applicant's services were disengaged in view of the judgement of this Tribunal in OA.805/95 <sup>and that termination</sup> ~~is~~ is not correct. This Tribunal has only said that the applicant if discontinued <sup>subsequently</sup> ~~and~~ if there is need to <sup>the</sup> post somebody in that post, the applicant should only be considered and no freshers should be considered, ~~vis-a-vis him~~. Thus the learned counsel for the applicant submits that the judgement of this Tribunal in OA.805/95 is misinterpreted by the respondents and hence he now prays for re-engagement by setting aside the impugned order dated 15-07-97.

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5. In the judgement in OA.805/95 it was made clear <sup>if</sup> <sup>was</sup> that ~~there is~~ no work the services of the applicant may be dispensed with. However if there is work and there is need to fill up that post then the applicant should only be considered for re-engagement and no freshers should be engaged. In that perspective the order of this Tribunal in OA.805/95 should be viewed

6. In view of the above clarification, the following direction is given in this OA:-

If there is work and need to engage a Peon <sup>subsequently</sup> ~~and the work exists~~ then the case of the applicant only should be considered for re-engagement.


7. The OA is ordered accordingly. No costs.

  
(B.S. JAI PARAMESHWAR)  
MEMBER (JUDL.)  
8/8/97

  
(R. RANGARAJAN)  
MEMBER (ADMN.)

Dated : The 08th August, 1997.  
(Dictated in the Open Court)

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D.R. (S)  
12-8-96

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## Copy to:-

1. The Secretary, UOI Min. of Urban development, Nirman Bhavan,  
Govt. Of India, New Delhi.
2. The Director General of works, Central P.W.D. Nirman Bhavan, New Delhi.
3. The Chief Engineer, Southern Zone II, Central PWD., Nirman Bhavan,  
New Delhi.
4. The Superintending Engineer, (Electrical Circle, Central P.W.D.  
Nirman Bhavan, Koti, Hyderabad.
5. The Executive Engineer, Hyderabad Central Electrical Circle, Divn. No. II,  
Central P.W.D. Nirman Bhavan, Koti, Hyderabad.
6. The Asst. Engineer (Electrical) Central Electrical Sub-Division No IV,  
Central Electrical Sub-Division P.W.D. A.G. Office Complex, Hyd.-4.
7. One Copy To Mr. P. B. V. Jayakumar Advocate CAT. Hyd.
- 8 One Copy to To Mr. V. Vinod Kumar, Addl -CGSC. CAT Hyd.
- 9 One Copy to The D.R.(A).
10. One Duplicate copy.

Upr.

25/8/97

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD

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

AND

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

Dated: 8.8.97

ORDER/JUDGEMENT

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

in

C.A.NO. 921/97

Admitted and Interim Directions  
Issued.

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default

Ordered/~~Rejected~~

No order as to costs.

YLKR

II Court

