

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD

D.A.No.100 OF 1997.

DATE OF ORDER:28-9-1998.

Between:

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|-----------------------|------------------------|
| 1. V.Ashok. | 16. G.Subba Rao. |
| 2. P.Ravinder. | 17. T.Usha Rani. |
| 3. J.Karunaker. | 18. Syed Azizuddin. |
| 4. N.Narsing Rao. | 19. Sattar Khan. |
| 5. P.Shantha. | 20. D.Viswanatha Raju. |
| 6. D.Shankar. | 21. Y.Raghunatha Rao. |
| 7. M.S.Shebha. | 22. J.V.Prabhakar Nag. |
| 8. D.Srinivasa Reddy. | 23. S.Neminathan. |
| 9. P.Radha. | 24. T.Balaji. |
| 10. K.Satya Leela. | 25. M.Anil Kumar. |
| 11. P.Chitra. | 26. M.K.Shinde. |
| 12. M.Vijaya Lakshmi. | 27. Radhika. |
| 13. S.Saraswathi. | 28. K.Sharadha. |
| 14. P.Rajani. | 29. Epath Jahan. |
| 15. K.David. | |

.. Applicants

a n d

1. Union of India, rep., by its
Secretary, Ministry of External
Affairs, New Delhi.
2. Regional Passport Officer,
Hyderabad.

.. Respondents

COUNSEL FOR THE APPLICANTS :: Mr.P.Krishna Reddy
COUNSEL FOR THE RESPONDENTS :: Mr.V.Rajeshwara Rao

CORAM:

THE HON'BLE SRI R.RANGARAJAN, MEMBER (ADMN).

A N D

THE HON'BLE SRI B.S.JAI PARAMESHWAR, MEMBER (JUDL)

: O R D E R :

ORAL ORDER (AS PER HON'BLE SRI B.S.JAI PARAMESHWAR, MEMBER (J))

Heard Mr.P.Krishna Reddy for the Applicants
and Mr.V.Rajeshwara Rao for the Respondents.

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2. There are 29 applicants in this OA. They have been working under the Respondents department. Their particulars of engagement as casual employees in the Respondents department are detailed in Annexure-I to the OA.

3. They have filed this OA praying for a direction to the respondents to regularise the services of the applicants from the date of their original appointment as LDCs after conducting departmental tests and to give them all consequential benefits.

4. The respondents have filed their reply stating that the applicants were appointed as Daily Rated Clerks, that their names were not sponsored by the local Employment Exchange, that they were given jobs on different types which were Casual in nature, that their claim for regularisation of their services on the basis of the OA decided by the another Bench of this Tribunal is not denied, that the Ernakulam Bench of this Tribunal in its Order dated:25-3- 1993 had considered and Ordered to conduct a departmental examination for regularisation of casual worker against the post of LDCs in Central Passport Organisation on the lines of an examination conducted in 1985, that this Ministry is not competent to conduct such an examination without the concurrence of DOPT, that the direction given by the Ernakulam Bench of this Tribunal does not satisfy the directions of the Tribunal in OA. No.903 of 1991 & Batch but it was directed that only the applicants in OA.No.3 of 1994 and OA.No.903 of 1991 be allowed to ^{for} sit in the examination, that direction was given as one time measure that a separate departmental examination was conducted on 15-1-1997 since the SLP filed by the Ministry against the said direction was not

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allowed by the Hon'ble Supreme Court and that the applicants do not fall under the said category.

5. During the course of hearing, the learned Counsel for the Applicants mainly contended for the regularisation of the services of the applicants since they were ~~an~~ engaged between 1987 and 1992. The recruitment rules are produced by the respondents alongwith a reply. Even the Casual Labour Rules regarding the engagements of casual labourers are also furnished.

6. The learned Counsel for the Applicants ~~relying~~ upon the directions given on the basis of the recruitment rules submits that a work of continuous nature ~~employing~~ Casual Labours is prohibited as the applicants were employed continuously for a long time for disposing of works which are of continuous nature, the applicants should be regularised even though they are engaged as Casual Labours earlier.

7. The applicants further ~~relying~~^{ied} on the Judgment in BHAGWATI PRASAD Vs DELHI STATE MINERAL DEVELOPMENT CORPORATION (reported in AIR 1990 S.C.371), ^{to state that} a Casual Labour continuously engaged has to be regularised in view of the above Judgment.

8. The applicants relied on the Judgments of the Ernakulam Bench of this Tribunal to state that the one time relaxation in that Judgment holds good to the applicants in this OA also. As stated earlier, the applicants in the batch cases, disposed of by the Ernakulam Bench, were initially engaged through the Employment Exchange. It is evident from the fact that the applicants in this OA were not engaged through

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the Employment Exchange. Hence, the Judgment of the Ernakulam Bench will not apply in toto to the case of the applicants herein. But the Department of Personnel & Training had issued Circular^{Instructions} stating that, ^{on or} even those casual labours appointed/earlier to 7-6-1988 can be regularised even if they are not sponsored by the Employment Exchange. That instruction^y will hold good in the case of the applicants herein who were engaged on or earlier 7-6-1988 without being sponsored by the Employment Exchange. Hence, it has to be observed that the Judgment of the Ernakulam Bench in this OA will apply only to those applicants who were engaged on or earlier to 7-6-1988 even though ^{they were not} being sponsored by the Employment Exchange. ~~The applicants in Annexure-I have~~ given their details of engagements as Casual Labour. From the above details from Annexure-I, we find that only the first nine candidates in that application were engaged on or earlier to 7-6-1988 and they alone may be eligible for one time ~~ex~~ception as granted by the Ernakulam Bench. However, this fact has to be checked by the respondents from their records.

9. The Judgment of the Apex Court referred to above is not a Judgment in ^{rem} ~~rem~~. On the basis of the facts available in that case, the Apex Court had observed for regularising the services of those Casual Labours in that case. It is seen from the Apex Court Judgment issued later to 1987 that the Apex Court is insisting on ~~the~~ ^{the} following ~~of~~ recruitment rules. As in this case, the recruitment rules for engaging the applicants without going through the Employment Exchange was adhered to that of the Apex Court Judgment which is in ~~perman~~ ^{to} ~~progress~~ cannot be applied in this case.

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10. The second contention of the applicant is that, ~~the applicants Counsel vehemently argues~~ that the applicants had served in the department for a long time and if they are left out without any suitable relief, they will be put to serious disadvantage. Hence, their services also ^{to} be regularised. The above contention was considered by us.

11. As those applicants, who are not sponsored by the Employment Exchange initially for engagement as a Casual Labour, they cannot insist on regularising their services. But they have worked for a long time as a Casual Labour, hence some relief has to be given to them. The limited relief which can be given to them is, ^{to} ensure that they are not badly affected due to the age bar consideration. Usually the Casual Labour period normally added to the maximum age given so as to consider their cases in future. Similar relief can also be given in this OA. Hence, if the Service Selection Board issues notification for selection to the similar posts in future then the applicants, who were engaged on casual basis in this OA should be given age relaxation to the extent they had put in casual service in the Department.

12. The learned Counsel for the applicants further submit that the applicants may be allowed to apply for relaxation of their cases for regularisation. It is for the applicants to decide. This Judgment will not stand in the way of submission of such representations to the respondent-authorities. The respondent-authorities are also at liberty to take such decision as they deem fit if they represent the same and their representations are considered.

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13. The learned Counsel for the Applicants relying on the Letter No.MEA UD No.V.IV/579/13/93, dated: 20-1-1998 submits that the applicants should be brought on temporary status as per that letter. In the prayer there is no relief in regard to ^{grant of} temporary status to the applicants. Hence, we do not propose to pass any Order in this connection. However, the applicants are at liberty to approach the respondent-authorities to grant them temporary status citing the suitable Circular in this connection. If such a representation is received, the respondent-authorities are at liberty to dispose of them in accordance with Law.

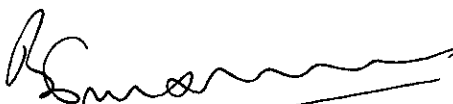
14. In the result, the following directions are given:-


- i) Those of the applicants, who had joined as a Casual Labour ^{on or} earlier to 7-6-1988 should be considered for appointment as a regular Clerks as a one time measure in accordance with the Judgment of the Ernakulam^m Bench of this Tribunal referred to above. If the cases of such applicants had already been considered ^{as per direction of Ernakulam Bench} and rejected, their cases need not be considered ~~once~~ again. If those cases are not considered already, those cases should be considered now. If any one of the applicants in this DA who was engaged earlier to 7-6-1988 had not applied for regularisation earlier, they are also directed to apply for the same if they feel it necessary to apply. Such representations are also ^{to} be considered along with others as one time measure;

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- (37)
- ii) If the Service Selection Board issues notification to fill up similar posts in future and if the applicants apply for the same, then they should be given age relaxation to the extent they have ^{serve} put in as Casual Labours in the respondent-authorities department;
- iii) The applicants, who are not covered by the direction ⁽¹⁾ ~~one~~ above, may apply for regularisation of service if they so desire. If such a representation is received, this Judgment will not ~~debar~~ the respondents to consider their representations; and
- iv) The applicants may submit representation for bring^{ing} them to temporary status in accordance with the suitable Circular. It is for the respondents to consider them in accordance with Law and no direction is given in this connection in this OA as such relief is not asked for in this OA.

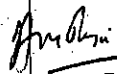
15. With the above directions, the OA is disposed.
No order as to costs.


(B.S. JAI PARAMESHWAR)
MEMBER (JUDL)
28/9/98


(R.R. ANGARAJAN)
MEMBER (ADMN)

Dated: this the 28th day of September, 1998
Dictated to steno in the Open Court

DSN


30/9/98
DNO.

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Copy to:

1. The Secretary, Min.of External Affairs, New Delhi.
2. Regional Passport Officer, Hyderabad.
3. One copy to Mr.P.Krishna Reddy, Advocate, AT, Hyderabad.
4. One copy to Mr.V.Rajeswara Rao, Addl.CGSC, CAT, Hyderabad.
5. One copy to D.R(A), CAT, Hyderabad.
6. One copy to HBSJP, M(J), CAT, Hyderabad.
7. One duplicate copy.

YLKR

21/10/98

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II COURT

TYPED BY
COMPILED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

AND

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

DATED: 28/9/98

ORDER/JUDGMENT

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

in

C.A.NO. 100/97

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

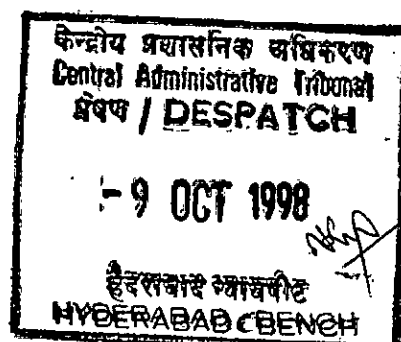
DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLKR



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
AT HYDERABAD.

(Under Rule 4(5)(a) of C.A.T.(P) Rules, 1987)

M.A.No. 65 of 1997

in

O.A.No. 79 of 1997.

between:

1. V. Ashok.
2. P. Ravinder.
3. J. Karunaker.
4. N. Narsing Rao.
5. P. Shantha.
6. D. Shankar.
7. M. S. Shebha.
8. D. Srinivasa Reddy.
9. P. Radha.
10. K. Satya Leela.
11. P. Chitra.
12. M. Vijaya Lakshmi.
13. S. Saraswathi.
14. P. Rajani.
15. K. Devid.
16. G. Subba Rao.
17. T. Usha Rani.
18. Syed Azizuddin.
19. Sattar Khan.
20. D. Viswanatha Raju.
21. Y. Raghunatha Rao.
22. J. V. Prabhakar Nag.
23. S. Neminathan.
24. T. Balaji.
25. M. Anil Kumar.
26. M. K. Shine.
27. Radhika.
28. K. Sharadha.
29. Efath Jahan.

.. .. Applicants/
Applicants.

And:

1. ~~Chief Passport Officer~~ Union of India, rep. by its Secretary,
Ministry of External Affairs,
New Delhi.

2. Regional Passport Officer,
Hyderabad. Respondents/
Respondents.

1. Brief Facts of the Case:-

(a) The applicants filed the above O.A. praying the Hon'ble Tribunal to direct the respondents to regularise the services of the applicants from the date of their original appointment as L.D.Cs after conducting departmental tests and give him all consequential benefits, and pass such other order or orders in the interests of

(b) All the applicants are now working in the office of the Regional Passport Officer, Hyderabad. All of them were appointed as daily rated clerks. In spite of the fact that the services of the applicants ranging between 9 to 4 years, their services are so far not regularised.

(c) The nature of the relief prayed by the applicants and the ~~ex~~ action are one and the same.

(d) Relief Sought:-

Under those circumstances it is therefore prayed that this Hon'ble Tribunal may be pleased to permit the applicants to file a single O.A. and pass such other order or orders in the interests of justice.

Verification

We, the above named applicants herein i.e. 1.V.Ashok, 2. P. Ravinder, 3.J.Karunaker, 4.N.Narsing Rao, 5.P.Shantha, 6.D.Shankar, 7.M.S.Shebha, 8.D.Srinivasa Reddy, 9.P.Radha, 10.K.Satya Leela, 11.P.Chitra, 12.M.Vijaya Lakshmi, 13. S.Saraswathi, 14.P.Rajani. 15.K.Devid, 16.G.Subba Rao, 17.T.Usha Rani, 18.Syed Azizuddin 19.Sattar Khan, 20.D.Viswanatha Raju, 21.Y.Raghunatha Rao, 22.J.V.Prabhakar Nag, 24.224 T.Balaji, 23.S.Neminathan, 25.M.Anil Kumar, 26.M.K.Shine, 27.Radhika, 28.K.Sharadha, and 29.Efath Jahan, do hereby

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cost for of the work in
directed

P. Sarada
Counsel for Applicants
7/1/97

Single O.A. Petition

Before the Central Administrative
Tribunal: Hyderabad Bench:
at Hyderabad.

Single O.A. Petition

M.A.No. of 1997

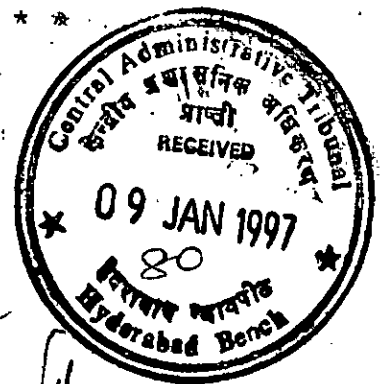
in

O.A.No. of 1997.

Petition for permit the applicants
to file Single O.A.

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Recd
9.1.97
R.N.R. Dny
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M/s.P.Krishna Reddy &
Smt.P.Sarada,
Counsel for the Applicants.

may be filed
9.1.97

declare that the contents stated above in paragraphs 1 to 4
are true to the best of our knowledge, belief and information.
We have not suppressed any material facts of the case.

1. V. Ashok
2. P. Ravinder
3. ~~any~~
4. N. Narsing Rao
5. P. Shantha
6. D. Shanker
7. M. S. Shetty
8. D. Srinivasan
9. P. Radhakrishna
10. A. K. Satya Laxmi
11. P. Chittur
12. M. Vijaya Lakshmi
13. S. Saravathi
14. P. Rajani
15. ~~any~~

Applicants.

P. Sreenivasulu

Counsel for the Applicants.

Hyderabad,

Dt. 6-1-1997.

16. G. S. Sreenivasulu
17. T. Usha Rani
18. S. S. Sreenivasulu
19. B. Sathya Kumar
20. D. N. Srinivasulu
21. Y. S. Srinivasulu
22. S. S. Srinivasulu
23. S. N. Srinivasulu
24. T. Balaji
25. A. S. Srinivasulu
26. S. S. Srinivasulu
27. R. S. Srinivasulu
28. K. Sarada
29. S. S. Srinivasulu
30. S. S. Srinivasulu

Applicants.

21/12/97

ORIGINAL

IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL: HYDERABAD BENCH AT

HYDERABAD
BENCH CASE

GENERAL

M.A. NO. 65 of 1997

IN

O.A.S.R. NO. 79 of 1997

Heard Mr. P Krishna
Reddy for the applicant
and v. V Rajeswara Rao
for the respondents.

The MA is not opposed
Under the circumstances
referred to the MA is
allowed Register the CA.

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HBSJP
H(T)

V
HERN
H(A)

PETITION FOR SEEKING PERMISSION
TO ADDITIONAL APPLICANTS IN A
SINGLE APPLICATION.

Mr. P. Krishna Reddy
COUNSEL FOR THE APPLICANTS

AND

Mr. _____
Sr. Addl. Standing Counsel
for C.G.Rlys.