

(17)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.No. 1003/97

Date of Order: 4.1.99

BETWEEN :

Avula Somesh

.. Applicant.

AND

1. The Union of India, rep. by
its Secretary, Min. of Communications,
New Delhi.
2. Chief Post Master General,
A.P.Circle, Hyderabad.
3. The Postmaster General
A.P.Southern Region, Kurnool.
4. The Supdt. of RMS "AG" Division,
Guntakal.

.. Respondents.

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Counsel for the Applicants

.. Mr.K.K.Chakravarthy

Counsel for the Respondents

.. Mr.V.Rajeswara Rao

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CORAM :

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

HON'BLE SHRI B.S . JAI PARAMESHWAR : 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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None for the applicant. Mr.V.Rajeswara Rao, learned standing counsel for the respondents.

2. The applicant claims that he is a casual labour and hence his services should be regularised in Group-D post.

3. This application is filed praying for a declaration that the action of R-4 in not considering the case of the applicant for the post of EDMM in the existing vacancies and further proceeding to conduct a selection to the six vacant posts at Guntakal is illegal, arbitrary contrary to the rules and against the principles of natural justice and for a consequential direction to R-4 to consider the case of the applicant in the existing vacancies and appoint him as EDMM in any one of ~~them~~ the vacant posts.

4. A reply has been filed in this OA. In the reply it is stated that the applicant is one among the outsiders working in leave vacancies of regular EDMM, but he is not a casual labourer and moreover he was not recruited as such by any process of recruitment. The services of certain outsiders who were the applicants in OA.1269/95 were given appointment as EDMM only after satisfying the conditions stipulated in the judgement in O.A.323/93 dated 25.2.94. The applicant

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cannot compare himself with the applicants of OA referred above as he is not a party to the OA nor the judgement can be extended to him. It is further stated that hence ignoring of his selection does not arise. He cannot claim the periods of his working as substitute to be treated as the duties of a casual labourer. If these periods are ignored, there would be no occasion for his working as casual labour for more than 240 days in any year.

5. It is stated in the reply that action has been taken to fillup the vacancies in the EDMM cadre which is in process. The applicant has not ^{been} given any appointment as EDMM ^{as a} regular measure. ED substitute cannot be termed as casual labour vide DG(P) letters dated 26.3.97 and 17.5.89.

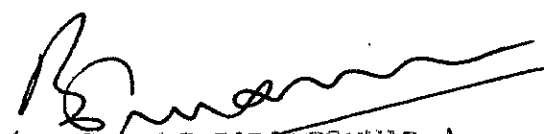
6. The case of the applicant is that he should also be considered for regularly posting him as EDMM against ^{the} vacancies that are available. The respondents in page-3 para-5 of the reply state that the action to fillup the vacancies under EDMM cadre is in process. Even ^{if} ~~the~~ name of the applicant is not sponsored by the employment exchange, the applicant, if he submits the application in time and also fulfils the conditions required should be considered for selection ^{for the post} ~~in~~ EDMM in view of the Supreme Court Judgement in the case of Excise Superintendent, Malkapatnam, Krishna District and others Vs. K.B.N. Viswara Rao and others (1996 (6) SCALE 676).

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7. In view of the above the applicant should also be considered for the post of EDMM along with others if he fulfills the eligibility conditions even if his name is not sponsored by the employment exchange.

8. With the above direction the OA is disposed.

No costs.


(B.S. JAI PARAMESHWAR)

Member (Judl.)

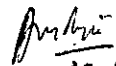
4.1.99


(R. RANGARAJAN)

Member (Admn.)

Dated : 4th January, 1999

(Dictated in Open Court)


13-1-99

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25/1/99
IST AND IIND COURT

COPY TO:-

1. HDHND
2. HHRP M(A)
3. HBSOP M(J)
4. D.R.(A) ✓
5. SPARE ✓

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD.

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

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

THE HON'BLE MR. R. RANGARAJAN : ✓
MEMBER (A)

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

DATED: 4-1-99

ORDER/ JUDGMENT

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

In

G.A. NO. 1003/97

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

(8 copies)

SRR

