

FORM NO. 21  
(See Rule 114)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL - HYDERABAD BENCH : HYDERABAD

OA / PA / RA / CP / MA / PT ..... 1270 / 97 ..... of 199

*G. Venkateswara Rao*

Applicant(s)

*alone*

Versus

*The D. G. Telang Hyderabad*

Respondent(s)

*2504*

INDEX SHEET

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Certified that the file is complete  
in all respects.

*27/10/97*  
Signature of  
Dealing Hand  
(In Record Section)

Signature of S.O.



Central Administrative Tribunal Hyderabad Bench: Hyderabad.

O.A. No. 1270 of 1997.

Sri G. Venkateswar Rao & Anr Applicants(s).

VERSUS.

The Director General, Telecom,  
New Delhi & 588  
(Respondents).

| Date | Office Note | ORDER |
|------|-------------|-------|
|------|-------------|-------|

24.9.97

List the OA for admission tomorrow i.e. 25-9-97

WHRP  
M(A)

25.9.97.

Heard Mr. Surya Rao for Mr. Krishna Devan for the applicant.

Post it along with OA No. 1180/94 with a Division Bench as requested by the Counsel for the applicant.

WHRP  
M(A)

RSM

15.10.97

O.A. disposed of. Order vide separate sheet

L  
HBSJP  
M(A)

WHRP  
M(A)

MO



CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH: SECHHYDERABAD.

ORIGINAL APPLICATION NO. 1270 OF 1997.

G. Venkateswara Rao & anr

(Applicants(sS))

VERSUS

Union of India, Repd., By.

Director General, Telecom,

New Delhi & son

Respondents(sS(S))

The Application has been Submitted to the Tribunal by Shri Krishna Dewan Advocate/Party-

in person Under Section 19 of the Administrative Tribunal Act. 1985 and the same has been scrutinised with reference to the points mentioned in the check list in the light of the provisions in the administrative Tribunal(procedure) Rules 1987.

The application is in order and may be listed for Admission No. \_\_\_\_\_

Scrutiny Asst.

MA & be listed for.

DEPUTY REGISTRAR(JUDL).



11. Have legible copies of the annexure duly attested been filed. *yy*
12. Has the applicant exhausted all available remedies. *yy*
13. Has the Index of documents been filed and pagination done properly. *yy*
14. Has the declaration as required by item No. 7 of form. I been made. *yy*
15. Have required number of envelopes (file size) bearing full addresses of the respondent's been filed. *yy*
16. (a) Whether the relief sought for, arise out of single cause of action. *yy*  
(b) Whether any interim relief is prayed for, *yy*
17. (c) In case an MA for condonation of delay is filed, is it supported by an affidavit of the applicant. *yy*
18. Whether this cause be heard by single Bench. *NO*
19. Any other points. *—*
20. Result of the Scrutiny with initial of the scrutiny clerk.

*18/9/97*  
Scrutiny Assistant.

Section Officer.

Deputy Registrar.

Registrar.

*May be numbered pl.*



CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH: HYDERABAD.

Enquiry No. 3003/97

Report in the Scrutiny of Application.

Presented by Sh. Krishna Devam Adv. Date of Presentation. 16/9/97

Applicant(s) G. Venkateswara Rao & Amr

Respondent(s) Director General, Telecom, New Delhi & Amr

Nature of Grievance Repatriation

No. of Applicants 2 No. of Respondents 6

Repatriation

CLASSIFICATION.

Subject.....(No) Department.....Telecom.....(No)

1. Is the application in the proper form, (three complete sets in paper books form in two compilations). Yes
2. Whether name description and address of all the parties been furnished in the cause title. Yes
3. (a) Has the application been fully signed and verified. Yes  
(b) Has the copies been duly signed. Yes  
(c) Have sufficient number of copies of the application been filed. Yes
4. Whether all the necessary parties are impleaded. Yes
5. Whether English translation of documents in a language other than English or Hindi been filed. Yes
6. Is the application on time, (See Section 21). Yes
7. Has the Vakalatnama/Memo of Appearance/Authorisation been filed. Yes
8. Is the application maintainability. (U/S 2, 14, 18, or U/R. 8 Etc.,) Yes
9. Is the application accompanied IPO/DD, for Rs.50/- Yes
10. Has the impugned orders original, duly attested legible copy been filed. Yes

P.T.O.,



CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BRANCH: HYDERABAD

INDEX SHEET

O.A. NO. 1270 OF 1997.

CAUSE TITLE Sri G. Venkateswar Rao & Anr

V. A. S. U. S.

The Director General, Telecom

New Delhi & S & A

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To direct the respondents to take back the applicants - hence  
as Telegraph Messenger by holding the relieving order dt. 29.5.97  
an arbitrary, discriminatory act.

IN THE COURT OF CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH  
AT HYDERABAD

O.A.No. 1270 of 1997

Between :-

1. Sri Gummadi Venkateswar Rao
2. Sri Sk. Madar

AND

1. The Union of India represented by  
Director General, Telecom, Ashok Road  
New Delhi - 110 020. & 5 Other

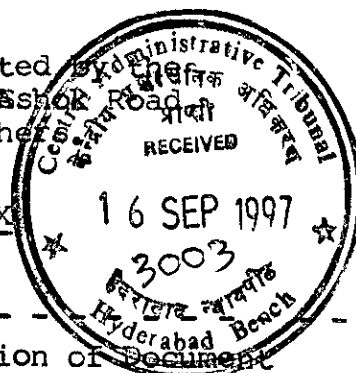
Respondents

Telecom  
..Applicants

दूर संचार TELECOM

..Respondents

I N D E X



| Annexure Nos. | Description of Document   | Page Nos. |
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| 1.            | Copy of Memo No. PF/ED Messenger/PDP dt. 27-11-81, issued by the Sub Postmaster, Peddapuram.                  | 89 B      |
| 2.            | Copy of Memo No. PF/ED Messenger/PDP dt. 16.4.80, 10 issued by Sub Postmaster, Peddapuram.                    |           |
| 3.            | Copy of Director, Telegraph Traffic, A.P. Telecom, Hyd-1, No: TA-TS/12-60/91/2, dated 25-9-91.                | 11        |
| 4.            | Copy of Memo No. E-5/91.92 dt. Samalkot dt. 31-10-91 issued by Incharge, DTO, Samalkot.                       | 12        |
| 5.            | Copy of Memo No. 5/A/92-93 dt. 22-2-1993 issued by STT, Rajahmundry Division.                                 | 13        |
| 6.            | Copy of Lr.No. TC-2/PEP/95-97 dt. 29-5-97 issued by the Sub Divisionals Engineer groups, Telecom, Peddapuram. | 14        |
| 7.            | Copy of DG, P&T ND Lr.No. 253/41/78-STN, dated 15-2-85.   | 15        |
| 8.            | Copy of Lr.No. PF/EDMS/Kpattam, dt. 26.5.97, issued by the Sub Divisional Inspector, (Postal), Peddapuram.    | 16        |
| 9.            | Copy of PM NO. PD/ ED Packer/97 dt. 26-5-97 issued by Sub Divisional Inspector (Postal), Peddapuram.          | 17        |
| 10 .          | Copy of Advocate Notice dated 18-8-97.  | 18-19     |
| 11 .          | Copy of interim order dated 28/9/94 in OA 1180/94 by Hon'ble CAT Judge  | 20        |

Signature of the Counsel

Signature of the Registrar

Signature of the Applicant

(1) G. Venkateswar Rao

(2) Shakti Madhar



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IN THE COURT OF CENTRAL ADMINISTRATIVE TRIBUNAL:HYDERABAD BENCH  
AT HYDERABAD  
O.A. No.1270 of 1997

Between :-

1. Sri Gummadi Venkateswar Rao
2. Sri Sk. Madar

..Applicants

AND

1. The union of Indiarepresented by the  
Director General, Telecom, Ashok Road,  
New Delhi - 110 020 & 5 Others.

..Respondents

DATE OF EVENTS

| Dates      | Description of Events   | Page Nos. |
|------------|---|-----------|
| 01-03-1980 | Date on which the Second Applicant was appointed as ED Telegram Messenger in the combined P&T Office, Peddapuram.   | 2         |
| 13-11-1981 | Date on which the 1st Applicant was appointed as ED Telegram Messenger in the combined P&T Office, Peddapuram.  | 2         |
| 01-11-1991 | Date on which both the Applicants were transferred to newly opened Telecom Centres, Peddapuram.   | 2         |
| 22-02-1993 | Date on which the Telecom authorities sought to fill up the posts of Telegraph Messengers through the candidates other than the Applicants.                                       | 3         |
| 08-01-1997 | Date on which the Hon'ble Tribunal disposed of the O.A. No. 203/93 filed by the Applicants.   | 3         |
| 29-05-1997 | Date on which the Sub-Divisional Engineer, Telecom, Peddapuram has ordered for the relieving of the Applicants from the post of Telegram Messengers, Telecom Centres, Peddapuram. | 3         |
| 16-08-1997 | Date on which the Applicants got issued Advocate Notice to the STT, Rajahmundry.  | 3         |
| 11-08-1975 | Date on which the DG, P&T ND ruled that option should be given to the staff whose scope of service is affected by Commission.   | 4         |
| 15-02-1985 | Date on which the DG, P&T, ND decided that till a policy decision is taken on the issue of absorption of ED Messengers consequent upon conversion of EO into DTO.                 | 4         |

Date : 14-09-1997

Signature of the Counsel

Place: Hyderabad.



1 note

(4)

APPLICATION UNDER SECTION 19 OF ADMINISTRATIVE TRIBUNAL ACT, 1985

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : A.P. : HYDERABAD

O.A. No. 1270 of 1997

Between :-

1. Sri Gummadi Venkateswar Rao, s/o. Appa Rao,  
Aged about 37 years, Working as ED Packer  
in Jaggampet Post Office, Kakinada Divn.,  
East Godavari District, A.P.
2. Sri Shaik Madar, s/o. Md. Mustafa,  
Aged about 50 years, Working as ED Messenger,  
Katravulapalli branch post office,  
Peddapuram Post Office, Kakinada Division.

..Applicants

A N D

1. The Union of India represented by the  
Director General, Telecom, Adhok Road,  
New Delhi. 110020
2. The Director General, Department of Posts,  
Sansad Marg, New Delhi. 110001
3. The Superintendent, Telegraph Traffic  
Division, Rajahmundry. 533004
4. The Superintendent of Post Offices,  
East Godavari District. Kakinada Division  
533001
5. The Sub-Divisional Engineer, (Telecom)  
Groups, Peddapuram. 533437
6. The Sub-Divisional Inspector, (Postal)  
Peddapuram Division. Sub-Division  
533437

..Respondents

The address for services of all notices is that of his  
Counsel : Mr. Krishna Devan, Advocate, H.No. 2-2-1105/11, Tilaknagar,  
Hyderabad - 44. Phone No. 4652904.

DETAILS OF APPLICATION

1. PARTICULARS OF THE ORDER AGAINST WHICH THE ORDER IS MADE :

|               |   |  |
|---------------|---|--|
| Order No.     | : | TC-2/ PEP/95-97  |
| Date of Order | : | 29-5-1997  |
| Passed by the | : | Fifth Respondent   |
| Sub. in Brief | : | Repatriation of Telegraph<br>Messengers from Telecom to Postal |

2. JURISDICTION OF THE TRIBUNAL :

The applicant declares that the subject matter of the  
present application is within the jurisdiction of this Hon'ble  
Tribunal Under Section 14 of the Administrative Act, the applicants  
are working as ED Messengers in the jurisdiction of the respon-  
dents herein.

Contd...2



3. LIMITATION :

The applicant further declares that the application is within the period of limitation prescribed Under Section 21 of the Administrative Act, 1985 as the applicant is challenging the order passed by the fifth respondent dated 29-5-1997.

4. BRIEF FACTS OF THE CASE :

- a. Both the applicants herein were originally appointed as Telegraph Messengers (ED) in the Vacant Posts in the then combined Post and Telegraph Office, Peddapuram on 13-11-81 and 1-3-80 respectively. Eversince the date of appointment both the applicants have been discharging the duties of delivery of Telegrams continuously without break or charge.
- b. In the recent post, the combined Post and Telegraph Wings got bifurcated. Consequently Department of Telecommunication having control over Telegraph Wing and the residual Postal Wing are functioning independently. The Department of Telecom has been taking over all types of work relating to Telephones and telegraphs including the work earlier handled by Combined Post Offices having Telegraph facilities.
- c. In that process Telecom Department has started opening Telecom Centres to provide Public Telephones with STD/ISTD facilities as well as manual Trunk booking of Telegrams, Telex, and fax messages and their delivery. Consequently, the telegraph branches in the combined Post Offices are closed and the entire work transferred to the Telecom Centres alongwith the delivery staff including ED Telegraph Messengers. As such both the applicants who were working as Telegraph Messengers in Peddapuram combined Post and Telegraph office were transferred to the newly opened Telecom Centre, Peddapuram on 1-11-91 vide the orders of Incharge, Departmental Telegraph Office, Samalkot, Lr.No. E.5/91-92 dated 31-10-1991.



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d. Both the applicants ever since the date of joining as Telegram Messengers in Peddapuram, Telecom Centre have been discharging the duties without break or charge. While so, the STT Rajahmundry on 22-2-93 sought to fill up the vacancies of Telegraph Messengers by retrenching the applicants, O.A.No. <sup>437/93</sup>~~437/93~~ was filed by the applicants in the Hon'ble CAT, Hyderabad. After considering the records of both the parties, the Division Bench of the Hon'ble Tribunal on 8-1-97 has directed the Telecom authorities not to repatriate the applicants herein until a requisition has been received from the Postal authorities. In spite of such directions, the Sub-Divisional Engineer (groups) Telecom, Peddapuram has ordered for the relief of the applicants from the Postal Telegraph Messengers, Telecom Centre, Peddapuram so as to report to the Sub-Divisional Inspector Postal, Peddapuram vide Lr.No. TC-2/PEP/95-97 dated 29.5.1997.

e. As the policy decision at the Directorate level in both the departments is pending, the Sub-Divisional Engineer (Res.No.5) cannot order for repatriation. Hence both the applicants have got issued one advocate notice to the Superintendent Tele Traffic, Rajahmundry on 16-8-97 bringing to his notice that the impugned action of the R-5 is arbitrary. But the 3rd respondent has not interfered with that order. Therefore, the applicants are constrained to approach the Hon'ble CAT, Hyderabad seeking immediate interference.

GROUNDS

~~(4-2)~~ 5(a) According to Rule 527 of P & T Manual, Vol. IV relating to transfer of an appointment or establishment, it has been laid down as follows :

"527. When it is proposed to transfer an appointment or other establishment charge from one office or Division to another, two proposals should be submitted: (a) one for abolition of the appointment or charge under its old office or Division, and (b) another for the creation of the appointment or charge under the new office or Division".



(b) According to the orders of the former DG P & T, New Delhi issued under his letter No. 271-11/72-STB.I (SPB.I) dated 11-8-75.

"... It has been decided that option should be given to the staff whose scope of service is affected by the conversion" of the COs into Departmental Telegraph Offices (DTOs).

(c) The above orders were issued in connection with conversion of COs into DTOs and the option to be given to Class IV staff of the COs. It has also been decided that the Class IV staff be allowed to exercise option as follows :

(i) If the CO is an independent unit for recruitment of Class IV staff, then the option was to be limited to the Class IV staff of the CO alone.

(ii) where the CO is not an independent unit for recruitment of Class IV staff, option should be given to all members of the Class IV cadre on which the class IV staff working in the CO is borne.

(d) It was further decided that optees equal in number to those required for the work so transferred only be transferred to the DTOs on the basis of seniority of the optees. The options of the remaining staff who were in excess of the number required were thus ineffective and hence cancelled. But those who are transferred to the DTOs would retain their seniority and they will be governed by the conditions of service prevailing on the Telegraph side.

2.2 By another order No. 269/142/75-STB dt. 20-2-1976 the former DG P & T directed that recruitment to regular Class IV establishment be made in the following order of preference:

- (i) Boy peons (then a dying cadre, now not existing).
- (ii) Non-test category Class IV.
- (iii) Extra- Departmental Agents (EDAs).
- (iv) Casual Labourers,
- (v) Part-time Casual Labourers, and
- (vi) Outsiders through Emp. Exges.

It was clarified therein that inclusion of Non-test category staff, who are ready on the regular establishment, was for considering their cases for the test category. Thus it is clear that EDAs were given a high priority for absorption in the regular establishment as Class IV (Gr. 'D') staff.



5.3 With the opening of Seperate Telecom Centres, the telegraph branches in the combined P & T offices were closed and their entire work was transferred to the Telecom Centres in the respective place. Unlike the other E.D. Agents in the Postal Department, the E.D. Telegraph Messengers were exclusively recruited only for delivering the Telegraph Messages received at the combined P & T office. And a minimum wages of Rs. 240/- per month was assumed where as the E.D. Telegraph Messengers working in Telecom get higher remuneration when they delivered more Telegraph Messages. Their wages are shown under a seperate Head of Account and debited to the expenditure of the Telegraphic Traffic Division concerned. Thus they are distinctly a different category of employees known as E.D. Telegraph Messengers. But they are not EDA's in the normal sense or concept of the term. Therefore, it is clear that the applicants have been transferred to the Telecom Centres when the entire work of the combined offices were taken over by Telecom Centres under the cover of Deputation. They were entitled to option for absorption on a regular basis in the Telecom Centres in as much as the scope of their service is affected by the take over.

6.54 The EDTMS are, therefore, on par with the Class IV employees of the COs vis-a-vis the conversion of COs into TCs. Notwithstanding the same, the former DG P & T in his letter No. 253/41/78-STN dt. 15-2-85 on the subject of absorption of EDTMS in a DTO after conversion of the CO decided that till a policy decision is taken on the issue, EDTMS whose services are likely to be terminated may be posted on deputation against vacancies of messengers in a DTO till they get absorbed in Postal Branch. If a policy decision is yet to be taken on the issue, the existing orders applicable to regular employees in a similar situation should be made applicable to the EDTMS also mutatis mutandis till the policy decision is finalised, especially so when it was already decided that option should be given to the staff whose scope of service is affected by the take over, ~~xxxx~~ To deny them such a benefit is discriminatory and violative of Article 14 of the Constitution of India. In view of the same, the DG's order dt. 15-2-85 mentioned above is an unject and inequitable order in so far as it directed that the EDTMS be posted on deputation till they get absorbed in the Postal Branch, even though it was recognised that their services are likely to be terminated consequent the TCs taking over the entire work of the COs.

The 1st respondent also ignored the fact that under the instructions and orders of the former DG P & T, New Delhi, even (and not merely EDTMS) are entitled to be absorbed, vide ~~xxxx~~ er, though the applicants were initially taken on 'deputation



for a period not exceeding six months, or until they are absorbed in the Postal Wing, whichever is earlier, they have been retained in the TCs for much more than a year in each case and each of them has rendered more than 240 days service in the Department's TCs after such 'deputation'. In those circumstances when the 1st respondent sought for clarification from the 10 respondent regarding the wages payable to the EDTMs, it was clarified that 'THE MESSENGERS CAN BE PAID AS BEING DONE FOR CASUAL MAZDOORS'. In other words, the service rendered by the EDTMs in the TCs is treated as Casual Mazdoor service and paid for accordingly. Therefore, the 1st respondent ought to have treated them as full time workers of Rajahmundry TT Division and accepted their applications for the recruitment as Group 'D' Telegraphmen. But the 1st respondent has not even included the EDTMs as a category of employees eligible to apply for the posts of Group 'D' Telegraphmen.

9.5.6 The applicants have been allowed to continue in the TCs on the so called deputation basis long beyond the maximum prescribed period of six months and each of them has rendered more than 240 days service in the year during their service in the TCs and hence entitled to grant of temporary status in the first instance and regularisation by absorption in the TCs as Group 'D' Telegraphmen according to their turn in the seniority list of Casual Mazdoors under the Jurisdiction of Rajahmundry TT Divn. as per the Supreme Court's mandate in AIR 1987 SC 2342.

9.5.7 The applicants may be permitted to urge other grounds at the final hearing.

10.5.8 It is humbly submitted that the policy decision in regard to the absorption of ED Telegraph Messengers working on 'deputation' in Telecom Centres is pending consideration at the directorate level. But the 5th respondent hastily, without having the authority or orders from the higher authorities have chosen to relieve the applicants to go to the Postal Wing. Both the applicants were taken over by the newly opened Telecom Centres on deputation. The concept of deputation used by the STT Rajahmundry is only Administrative instructions but not statutory rule. Since both the applicants have completed 240 days in each year and thus worked for more than 6 years and were paid Group-D Pay and allowances and hence for all practical purposes were considered to be Departmental Telegraph Messengers eligible for temporary status and in the matter of regularisation they deserve priority. But the action of the 5th respondent in relieving the applicants from the job of Telegraph Messengers is arbitrary and illegal and Violative of Article 14 of the Constitution of India.

Contd..7



110  
The applicants there were a quite number of ED  
now working Telecom Centres were similarly  
ed the Hon'ble Tribunal and by virtue of the order  
O.A no: 1180/94 dt 28/9/94  
Tribunal they were allowed to continue working in  
der the jurisdiction of the same 3rd respondent.  
s herein were picked up for repatriation and thus  
clear discrimination.

12. been relieved under the illegal orders of the 5th  
respondent, both the applicants were posted as ED Packers in the  
Post Offices falling under the jurisdiction of 6th respondent. For  
the facts and grounds stated above it is necessary that the impugned  
order passed by the 6th respondent must be suspended until further  
orders, otherwise the applicants who are similarly situated others  
were discriminated in the matter of repatriation which is not per-  
missible under the existing circumstances.

**13.6 DETAILS OF REMEDIES EXHAUSTED :**

Aggrieved by the impugned action of the 6th respondent, the  
applicants made a representation through Advocate dated 16.8.97 which  
was not acted upon and hence the applicant has not alternative effi-  
cacious remedy than approaching the Hon'ble Tribunal.

**14.7 MATTERS NOT PREVIOUSLY FILED OR PENDING WITH ANY OTHER COURT :**

The applicant further declare that he is not previously filed  
any application. Writ petition or suit regarding the matter in res-  
pect of which this application has been made before any court of law  
or any other authority or any other such bench of this Hon'ble Tribunal  
and nor any such application, Writ petition or suit is pending before  
any of them.

**15.8 RELIEF SOUGHT FOR : MAIN RELIEF :**

It is therefore prayed that the Hon'ble Tribunal may be  
pleased to :

- i) to call for the records relating to the impugned order  
dated 29.5.97.
- ii) to direct the 3rd respondent to take back the applicants  
herein as Telegraph Messengers for the Telecom Centre, Pe-  
ddapuram till a policy decision is being taken by the Di-  
rector Generals of both the wings, by holding that the ac-  
of the 5th respondent in passing the relieving order date  
29.5.97 as arbitrary, discriminatory and illegal being v  
lative of Article 14 of the Constitution of India and se  
aside the same.
- iii) and pass such other further orders as deem it fit and p  
in the circumstances of the case.

Cont



16.9 INTERIM RELIEF : 4

10 PARTICULARS OF POSTAL ORDER :

Fruchtreife

With Cont. P.O.  
 @ 12 687562 dtd 11/8/97  
 M. 201  
 nt of Postal Order

160.58 A

U.S. DEPT. OF JUSTICE

i) Vakalatnama

ii) Postal Order for Rs. 50/- + 5/- .

### iii) Material Papers

iv) Covers, Pads &amp; Acknowledgements

V E R I F I C A T I O N

Hence, verified this  
at Hyderabad.

1415 September, 1997 in my presence.

Signature of the Counsel

Signature of the Applicants

1 G. Kulkarni Rao

Date :

2 Shailc. Madhate.

Place : Hyderabad.



Memo No. PF/ED Messenger/PDP - Dated 27-11-81.

Sri Gummadi Venkateswara Rao, s/o. Apparao, holder of Employment Registration No. 1827/79 NCO Code X 02-10 Dated 11-4-1979 is provisionally appointed to work as E.D. Telegraph Messenger in the vacant post with effect from the F.N. of 13-11-81. The appointment is purely temporary and is likely to be terminated at any time without notice. The appointment is governed by EDA (conduct and service) Rules 1964.

1. A copy of this memo is issued to 1. Sri G. Venkateswararao, Nevvulagunta Sh Street, Peddapuram.
2. The Head Post Master, Samalkot, H.O

SUB POSTMASTER  
PEDDAPURAM -533437.

// TRUE COPY //

A. G. Rao  
ADVOCATE for K. D. Rao



OFFICE OF THE SUB POSTMASTER (LSG)  
PEDDAPURAM -533437

13  
ANNEXURE No. 2  
PAGE No. 10

No. PF/ED Messenger/Peddapuram dated the 16th April, 1980

Letter of Appointment

Sri SK. MADAR, s/o. SK. Mustafa is hereby appointed as ED Messenger with effect from 1-8-1980 in the vacant place of Sri Madina Bhasha who is promoted to Class IV Post vide SP/KD Memo No. SP/Goc/3/VI dated 25-2-1980. He shall be paid such allowances as admissible from time to time.

Sri SK. MADAR should clearly understand that his appointment as ED Messenger shall be in the nature of a construct liable to be terminated by him or the undersigned by notifying the other in writing and that he shall also be governed by the P and T extra Departmental agents conduct and service rules 1964 as amended from time to time. If these conditions are acceptable to him he should communicate in the proforma enclosed.

SUB POST MASTER (LSG)  
Peddapuram-533 437

Copy to :

- 1) Sri Sk. Madar ED Messenger, Peddapuram.
- 2) Post Master, Samalkot to draw the allowances.
- 3) Spare.

// TRUE COPY //

A. Sanyal Rao  
ADVOCATE for K. Devan



Office of the Director, Telegraph Traffic, A.P., Telecommunications,  
Hyderabad - 500001.

No. ~~TA~~-TS/12-60/91/2 dated at Hyderabad-500 001 the 25th Sept. 1991.

Sub:- Opening of Telecom Centre at Peddapuram.

-00000-

Approval of the Director (TT) A.P. Telecommunications,  
Hyderabad is hereby accorded for the opening of Telecom Centre  
at Peddapuram with the following facilities.

Booking, transmission and delivery of telegrams.  
Local/ Trunk PT  
STD PT  
Phonograms  
Onex service telephone for office use.  
Morse working with DTO Samalkot till such time the  
Teleprinter is provided.

The Telecom Centre will be under administrative control  
of Superintendent, Telegraph Traffic Division, Rajahmundry and  
operative control of the Officer Incharge, DTO Samalkot and observe  
the following working hours.

|                  |               |
|------------------|---------------|
| Week days        | --- 0700-2000 |
| Sundays/Holidays | --- 0900-1700 |

The following staff strength may be diverted from the  
surplus staff strength of Rajahmundry Telegraph Traffic Division.

|                  |   |
|------------------|---|
| Telegraphists    | --2   |
| Telegraphmen O/D | --2(The surplus ED Messengers of<br>Peddapuram GSO may be consi-<br>dered). |

The cash collections of the Telecom Centre will be remitted  
to the DTO Samalkot for accounting purpose.

All the day to day requirement of the Telecom Centre will  
be met by the controlling DTO Samalkot.

Necessary action may kindly be taken to open the Telecom  
Centre at the earliest under intimation to all concerned.

(K.PRASADA RAO,)  
Asst. Director (TS),  
% the Director (TT),  
A.P. Telecommunications,  
Hyderabad - 500001.

Copy to the :

Asst. General Manager (TT) % CGMT, A.P. Hyderabad - 500001.

Superintendent, Telegraph Traffic Dn., Rajahmundry with reference  
to Lr.No. TFC. 65/91-92 dated 16-9-1991.

Post Master General, Visakhapatnam.

Superintendent of Post Offices, Kakinada.

Telecom District Engineer, Kakinada,

Sub Divisional Officer, Telecom, Samalkot.

Officer Incharge, STO Samalkot.

Sub Postmaster, Peddapuram.

Office Copy.

// TRUE COPY //



GOI.

TELECOMMUNICATIONS ; A.P. CIRCLE

MOC.

OFFICE OF THE INCHARGE DEPARTMENTAL TELEGRAPH OFFICE SAMALKOT.

Memo No. E-5/91.92 DTD AT SAMALKOT THE 31.10.1991

In accordance with the orders contained in Superintendent, Rajahmundhry TT Dvn, Rajahmundhry Ltr No. EST 70/91.92 dtd 29.10.91 the two ED Messengers are hereby relieved on the a.m. of 31.10.91 and directed to report to Incharge, Telecom Centre, Peddapuram on 1.11.1991 F.N. positively.

1. S/S. G. Venkateswara rao, ED T/Messenger.
2. S/S. Shaik Madar -do-

(MD. SHAHABUDDIN)  
INCHARGE,  
Departmental Telegraph Office,  
Samalkot. E.G. Dist.

Copy to :

1. The superintendent, RY TT Dvn.  
Rajahmundhry for favour of information.
2. The Incharge, Telecom Centre, Peddapuram for necessary action.
3. The Officials concerned.
4. Office File

// TRUE COPY  
TRUE COPY  
ADVOCATE

ADVOCATE



TELECOMMUNICATIONS :: ANDHRA PRADESH  
OFFICE OF THE SUPERINTENDENT TELE TRAFFIC  
DIVISION RAJAHMUNDHRY 533 104.

\* \* \* \*

To

The Superintendent of  
Post Offices, Kakinada Division,  
Kakinada.

No. Est.5/A/9293 dated at Rajahmundry the 22-2-93

Sub : Deputation of ED Messengers

Ref : This office lr. Est.5/A/92.93 dated 22.12.92  
and 11-1-1993.

- - -

Please refer to this office letters cited above regarding relieving of ED Messengers from Traffic Wing. It is proposed to replace the following ED Messengers by the surplus casual mazdoors of Telecom, wing during the 1st week of March 91.

Therefore, you are requested to kindly arrange for accomodation of the following ED Messengers in Postal Wing.

1. Sri T. Satyanarayana ED Messenger (Working as DTO Samalkot)
2. Sri. Gummadi Venkateswara Rao ED Messenger ( Working at TC Peddapuram ).
3. Sri Shaik Madar ED Messenger (Working at TC, Peddapuram).

- - -

(N.N. MURTHY)  
Telegraph Traffic Division,  
Rajahmundry - 533104.

Copy to :

1. The Telegraph master i/c  
DTO Samalkot.
2. Incharge TC Peddapuram.
3. The Director TT AP Hyderabad.
4. The Sub Postmaster, Peddapuram.
5. The Postmaster, Samalkot.
6. Office Copy.

The ED Messengers may be  
informed accordingly.

Superintendent  
Telegraph Traffic Division,  
Rajahmundry 533104.  
T.F. 74610

// TRUE COPY //

  
ADVOCATE



DEPARTMENT OF TELECOM  
OFFICE OF THE S.D.E. (urpos), PEDDAPURAM.

Lr.No. TC-2/PEP/95-97 dated at PRF the 29.05.1997.

Sub:- Reliving orders to E.D. Messengers - Reg.

Ref:- S.D.O. Telecom, SLK No.E-3/97-98/72  
dated 15.5.1997.

-ooo-

With reference to the above cited letter, the following officials who are working on deputation at Telecom centre, Peddapuram are hereby relieved on A/N of 25.5.1997 with instructions to report Sub Divisional Inspector, Post Office, Peddapuram.

1. Sri Sk. Madar ED Messenger TC, PEP
2. Sri G. Venkateswara Rao ED Messenger TC, PEP

Sub-Divisional Engineer Telecom  
Groups  
PEDDAPURAM, 533437.

Copy to :

1 & 2 Officials through I/C, TC, PEP.

3. SDE (HRD) O/o.GMT, RMY.
4. DET (R) KD
5. SDOT, SLK.
6. SDI, PO, PEP
7. STT % GMT, RMY
8. I/S, TC, PEP

TRUE COPY  
*Ces*  
ADVOCATE



(5 white)

Copy of DG P&T, New Delhi Letter No. 253/41/78-STN dt. 15-2-85.

Sub:- Absorption of E.D. Messengers in a DTO after conversation of C.O.

-000-

It has been represented to this office by the T-III & T, IV Union CHQ, that in some circles E.D. Messengers are being terminated after conversion of C.O. into DTO. The case has been considered and it has been decided that till a policy decision is taken on the issue against vacancies of messengers in a DTO, E.D. Messengers, whose services are likely to be terminated consequent on conversion of CO into DTO, may be posted on deputation till they get absorbed in Postal Branch.

sd/-  
(V. RAMASWAMY)  
Asst. Director General (STN).

TRUE COPY  
ADVOCATE



## DEPARTMENT OF POSTS INDIA

From :

To

Office of the  
Sub-Divisional Inspector (post),  
Peddapuram Sub-Division,  
PEDDAPURAM-533437.

The SPM  
PEDDAPURAM.

No. PF/EDMS/Kpath dated at the 26.5.97

Sub:- Absorbition of ED Messenger-Peddapuram.

Sk.Madar a thrown-out ED messenger, Peddapuram SO is appointed as ED messenger, Katravulapalli BO with immediate effect by terminating the services of Sri D. Jahangir.

Please admit Sk.Madar as ED messenger, Katravulapalli and get a sum of Rs.10/- submitted through M.O. to Anantapur Postal Employees Co-op credit society Anantapur towards FG Band and submit the charge report with particulars of MO number.

Sub-Divisional Inspector (post)  
Peddapuram Sub-Division,  
PEDDAPURAM-533437.

Copy to :-

1. Sk.Madar thrown-out ED messenger.  
He is directed to report to the  
SPM, Peddapuram SO.

Sub Divisional Inspector(post)  
Peddapuram Sub-Division  
PEDDAPURAM-533437.

TRUE COPY

ADVOCATE



DEPARTMENT OF POSTS INDIA

Office of the  
Sub-Divisional Inspector (post),  
Peddapuram Sub-Division,  
PEDDAPURAM-533437.

To  
The SPM  
Jaggampet S.O.

No. PF/ED PKR/97 dt.at PDP 26.5.97

Sub:- Absorption of thrown-out ED messenger  
of PDP S.O.

-ooo-

G.Venkateswara Rao thrown-out ED messenger, Peddapuram  
S.O. is appointed as ED PKR, Jaggampet with immediate effect and  
the services of Sri P.V. Srinivasan is provisionally appointed  
as FDPKgr are terminated with immediate effect.

Please admit G.V. Rao as ED Pkr and get a sum of  
Rs. 10/- submitted through M.O. to Anantapur Postal employees  
Co-op. Society, Anantapur by G.V. Rao towards F&B Bond and submit  
the charge reports alongwith the particulars of M.O. number.

Sub-Divisional Inspector (post)  
Peddapuram Sub-Division  
PEDDAPURAM-533437.

Copy to :

G.V. Rao, thrown-out, ED messenger.  
He is directed to report to the SPM, Jaggampet  
immediately.

Sub-Divisional Inspector (post)  
Peddapuram Sub-Division  
PEDDAPURAM-533437.

TRUE COPY

ADVOCATE



No policy decision has been taken by the directorate's of both the department till this day regarding repatriation or absorption in or from telecom wing. Sri Gummadi Venkateswar Rao and Shaik Madar all other Telegraph Messengers who have approached the Hon'ble Tribunal and were treated uniformly with directions but only these two persons were picked and choosen for repatriation to postal wing. Thus the Sub-Divisional Engineer, Telecom Groups, Peddapuram in the Lr.No. TC-2/PEF/95-97 dated at Peddapuram the 24.5.97 has ordered them to be relieved and reported to Sub-Divisional Inspector, Peddapuram and thus both the applicants were relieved. According to my information, no requisition has ever made by the postal authorities for repatriation of those Telegraph Messengers working in Telecom Centres. This decision might be the one which is taken by the SDE (G), Peddapuram unilaterally. You being the head of the telegraphic Division is the competent person to order the repatriation of those candidates but the SDE (G), Peddapuram might <sup>have</sup> acted after obtaining your order or directions. This has resulted into mental agony, financial loss and affected the scope of service of the employees. Even if you have approved the action of the SDE (G), Peddapuram dated 24.5.97, is in violation of the CAT directions in O.A. No. 203/93 dated 6.1.97 which was solely relied upon the DGPNT letter dated 15.02.85. Thus you have incurred the Contempt of court and also over riding the authority of head of the department.

Therefore, I am instructed to inform you that unless the order issued by the SDE groups, Peddapuram Lr.No. dated 24.5.97 whereby the Telegraph Messengers are relieved from the Telecom Wing is rescinded by your orders, the contempt of court proceedings will be against you alone the costs of which have to be borne by you alone. Time two days for rescinding the order passed by the SDE (G), Peddapuram dated 24.05.1997.

Date: 16.08.1997.

ADVOCATE  
  
(KRISHNA DEVAN).



From :

To

KRISHNA DEVAN  
Advocate  
2-2-1105/11,  
Tilaknagar,  
Hyderabad.

The Superintendent,  
Telegraph Traffic Division,  
Rajahmundry.

Phone No. 4652904.

Sir/Madam,

On behalf of Gummadi Venkateswar Rao and Shaik Madar who were working as Telegraph Messengers in Telecom Centre, Peddapuram, I am to inform you that,

Sri Gummadi Venkateswar Rao and Shaik Madar were working as Telegraph Messengers in the erstwhile combined P & T offices for the last so many years. On bifurcation as separate wing of Telecom, the telegraph branches in the combined offices were closed and the entire work transferred to the telecom centres along with the delivery staff including telegraph messengers under the cover of deputation. According to DGPNT, New Delhi Lr. 271-11/72-STB-I (SPB-I) dated 11.8.75,

" . . . . It has been decided that the option should be given to the staff whose scope of service is affected by the conversion of the combines offices into departmental offices".

While working as Telegraph Messengers in Peddapuram Telecom Centre, they were sought to be repatriated to the Postal Wing vide your letter dated Estt/5/A/92-93 dated 22.2.93. Against that these two persons have filed O.A. No. 203/93 on 8.3.93 seeking absorption as Group-D Telegraph Messengers in the Telecom Wing. It was urged therein that DGPNT Lr.No. 253/41/78-STN dated 15.2.85 (letter enclosed), the Hon'ble CAT issued directions not to repatriate them unless the policy decision is taken at the highest level in both the departments.

Contd..2



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH  
AT HYDERABAD.

OA.1180 of 1994

Date of Order: 28-9-1994

Between:-

1. N.V. Satyanarayana
2. M. Peddi Reddy
3. U.V.V. Satyanarayana
4. N. Ramakrishna Rao
5. B. Nagarajuna Rao
6. Mohd. Tajuddin Khan
7. M. Rajeswara Rao
8. Y. Suryachandra Rao
9. V. Satyanarayana



Applicants.

And

1. The Superintendent, Telegraph Traffic Division, Rajahmundry-533 104.
2. The Assistant Superintendent, TT, Tanuku-534 211.
3. The Director, TT the CGMT, A.P. Hyderabad-500 001.
4. The Senior Superintendent of Post Offices, Amalapuram-533 242.
5. The Sub-Divisional Inspector, Postal, Razole-533 242.
6. The Senior Superintendent of Post Offices, Eluru-534 001.
7. The Superintendent of Post Offices, Tadepalligudem-534 001.
8. The Superintendent of Post Offices, Rajahmundry-533 104.
9. The Chief General Manager, Telecommunications, A.P. Hyderabad-500 001.
10. The Chief Postmaster-General, A.P. Office, Hyderabad-500 001.
11. The Director-General, Telecom (rep. Union of India), Sanghar Bhawan, New Delhi-110 001.
12. The Director-General, Posts (rep. Union of India) Dak Bhawan, New Delhi-110 001.

Respondents.

Counsel for the Applicants: Mr. C. Suryanarayana, Advocate.

Counsel for the Respondents: Mr. N.R. Devaraj, Sr. CGSC, CAT, Hyd.

CORAM:

Hon'ble Mr. Justice V. Neeladri Rao, Vice-Chairman

Hon'ble Sri R. Rangarajm, Member Administrative.

Hon'ble Tribunal made the following order:-

Until further orders, the applicant should not be repatriated to postal side.

CERTIFIED TO BE TRUE COPY

Date.....

Court Officer

Central Administrative Tribunal

Hyderabad Bench

Hyderabad

Copy to:-

1. N.V. The Superintendent, Telegraph Traffic Division, Rajahmundry-533 104;
2. The Assistant Superintendent, TT, Tanuku-534 211.



24

CENTRAL ADMINISTRATIVE TRIBUNAL,  
HYDERABAD BENCH: HYDERABAD

C.A. NO. 1270/97 OF

DATE OF DECISION: 15-10-1997

Sri Gummadi Venkateswar Rao & anr

PETITIONER(S)

Mr. Krishna Devan

ADVOCATE FOR THE  
PETITIONER(S)

VERSUS

U.O. I & Ors.

RESPONDENT(S)

Mr. N. R. Devraj

ADVOCATE FOR THE  
RESPONDENT(S)

THE HON'BLE Shri H. Rajendra Prasad, Member(A)

THE HON'BLE Shri B.S. Jai Parameshwar, Member(J)

1. Whether Reporters of local papers may be allowed to see the judgement? No
2. To be referred to the Reporter or not? No
3. Whether their Lordships wish to see the fair copy of the judgement? No
4. Whether the judgement ~~is~~ is to be circulated to the other Benches? No

JUDGEMENT DELIVERED BY HON'BLE Shri B.S. Jai Parameshwar, M(J)

*Jai*



25

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH

O.A. 1270/97

Date of decision: 15-10-1997

Between:

1. Sri Gummadi Venkateswar Rao

2. Sri Shaik Madar

.. Applicants

-versus-

1. The Union of India,  
Director General, Telecom,  
Ashok Road,  
New Delhi.

2. The Director General,  
Department of Posts,  
Sansad Marg,  
New Delhi - 110 001.

3. The Superintendent, Telegraph,  
Traffic Division,  
Rajahmundry - 533 104.

4. The Superintendent of Post Office,  
East Godavari Dist., Kakinada Division  
533 001.

5. The Sub-Divisional Engineer (Telecom)  
Groups, Peddapuram 533 437.

6. The Sub-Divisional Inspector (Postal)  
Peddapuram Sub.Division,  
533 437.

.. Respondents.

Counsel for the applicants : Mr. Krishna Devan

Counsel for the respondents : Mr. N.R. Devraj

Coram:

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

Hon'ble Shri B.S. Jai Parameshwar, Member(J)

...2/-



Date: 15-10-1997

JUDGEMENT

(Per Hon'ble Shri B.S. Jai Parameshwar, Member(J)

*Learned Counsel*

Heard Mr. Krishna Devan, for the applicant

*Learned Sr. S.C.*

and Mr. N.R. Devraj, for the respondents.

2. There are two applicants in this OA.

They were working as ED Telegraph Messengers in the erstwhile Post & Telegraph Department.

After bifurcation of the department into

Department of Posts and Department of Telecommunications, the applicants have been working on

deputation basis at the Telecom Centres. Vide

proceedings No.TC-2/PEP/95-97 dt. 29-5-97,

Annexure-6, the applicant were relieved on the

A/N of 25-5-97 with instructions to report

Sub Divisional Inspector, Post Office, Peddapuram.

3. Relying upon the Rule 527 of P&T Manual

Vol.IV and also relying on order dt. 11-8-75 and

20-2-1976 of the DG P&T the applicants have filed

this OA challenging the order of their repatriation

to the Postal Department and to direct the

respondent No.3 to take back them as Telegraph

Messengers in the Telecom Centres till a policy

decision is ~~made~~ taken by the Director Generals

of both the wings by holding that the action of



-: 3 :-

the 5th respondent in passing the impugned order dt. 29-5-97 as arbitrary and discriminatory.

4. The fact that the applicants were working in the Telecom Centres on deputation basis is not in dispute. The applicants cannot claim as a matter of right to continue in the telecom centres. When the Postal Department - parent department is willing to take them back the applicants are bound to obey the order and report to Postal Department. Accordingly, it appears that by the impugned order dt. 29-5-97 the applicants have been relieved of their duties with instructions to report to Sub Divisional Inspector, Post Office, Peddapuram.

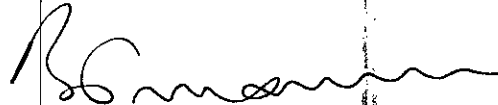
5. Since some of the officials who are working on deputation are willing to continue in the telecommunication wing we feel it proper and essential to direct respondent No.2 and GM, Telecommunications to take a policy decision as to absorption of such of the employees who have been working on deputation basis and <sup>as per rules -</sup> suitably take a ~~final~~ decision. Such a decision will be applicable to the applicants also.

In case decision is taken to absorb <sup>them</sup> in the Telecommunication wing then the applicants can <sup>exercise</sup> ~~offer~~ their option to



to go back to the Department of Telecommunication.

With this observation the OA is disposed of at ~~the~~  
admission stage ~~with~~ No order as to costs.

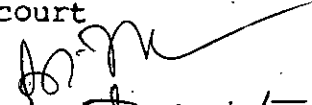
  
(B.S. JAI PARAMESHWAR)  
Member (J)

  
(H. RAJENDRA PRASAD)  
Member (A)

15.10.97

Dated 15th October, 1997  
Dictated in the open court

MD

  
Deputy Registrar



O.A.1270/97.

To

1. The Director General, Telecom,  
Union of India, Ashok Road, New Delhi.
2. The Director General,  
Dept.of Posts, Sansad Marg,  
New Delhi-1.
3. The Superintendent, Telegraph, Traffic Division,  
Rajahmundry-104.
4. The Superintendent of Post Office,  
E.G.Dist.Kakinada Division-1.
5. The Sub Divisional Engineer(Telecom)  
Groups, Peddapuram -437.
6. One copy to Sub Divisional Inspector (Postal)  
Peddapuram Sub Division, 437.
7. One copy to Mr.Krishna Devan, Advocate, CAT.Hyd.
8. One copy to Mr.N.R.Devraj, Sr.CGSC,CAT.Hyd.
9. One copy to HBSJP.M.(J). CAT.Hyd.
10. One copy to D.R.(A) CAT.Hyd.
11. One spare copy.

pvm.



24/10/97

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)  
The Hon'ble Mr. B.S. Jai Parameswar :M(D)

DATED:- 15/10/97

~~ORDER/JUDGMENT.~~

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

in

O.A.No.

1270/97.

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.

