

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL - HYDRABAD BENCH : HYDRABAD

OA / TA / RA / CP / MA / DA 1272 of 1997

..... M. S. R. Chandra Murthy Applicant(s)

Versus

..... The Secretary Central Water Commission
New Delhi & others Respondent(s)

INDEX SHEET

Serial No.	Description of Documents	Pages
Docket Orders		1
Interim Orders		
Orders in MA (s)		
Orders in (Final Orders)		
	22.9.97	21625

Signature of
Dealing Hand
(In Record Section)

Certified that the file is complete
in all respects.

Signature of S.O.

ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH: AT HYDERABAD

LUNCH MOTION SLIP

SUB : OA/~~10~~/SR.No. 3057 OF 97

DIVISION / SINGLE BENCH
- - - -

The applicant desires to seek urgent Interim Orders.

Be pleased to circulate to Court on 22.9.97 at 2-15 PM

for recess today for orders. I undertake to remove office
ctions if any. Advance copy is served / ~~not served on the~~
pendents Counsel/ ~~Applicant's counsel.~~

t. 22.9.97

Time : 10.30 AM

Wandhan Pen
Advocate for Applicant(s)
~~Respondent(s)~~

(I Court / II Court)

Per Court (Division Bench / Single Bench)

Circulate for orders in Court II on 22.9.97 at 2.15

today at 02.15 p.m.

Dt. & time : 22/9/97

San
Court Officer

Central Administrative Tribunal Hyderabad Bench: Hyderabad.

O.A.No. 1272 of 1997.

M. Sree Rama Chandra Murthy Applicants(s).

& A/c.

VERSUS.

The Secretary Central Water Commission

New Delhi & A/c.

(Respondents).

Date

Office Note

ORDER

22.9.97

OA is disposed of with
no cost vide orders on
separate sheet.

(C.C. by 24.9.97)

HBSVP

(M J)

HRRN
(M J)

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH: SEICHHYDERABAD.

ORIGINAL APPLICATION NO. 1272 OF 1997.

M. Sree Ram, chandra Murthy & anr

(Applicants)(s)

VERSUS

Union of India, Repd., By.

The Secretary, Central Water Commission

New Delhi 3

Respondents:(s)(s)

The Application has been Submitted to the Tribunal by Shri M. S. chandra murthy Advocate/Party-
in person Under Section 19 of the Administrative Tribunal
Act. 1935 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 before U Comr

No. 22 9.97 at 2.15 PM

MA to be listed for

Scrutiny Asst.

M. S. chandra murthy
DEPUTY REGISTRAR(JUDL).

10. Is the application accompanied IPO/DD, for Rs.50/-.
11. Have Legible copies of the annexure duly attested been filed.
12. Has the applicant exhausted all available remedies.
13. Has the Index of documents been filed and pagination done properly.
14. Has the declaration as a required by item No. 7 of form, I been made.
15. Have required number of envelopes (file six) bearing full addresses of the respondents been filed.
16. (a) Whether the relief sought form arise out of single cause of action.
(b) Whether any interim relief is prayed for,
17. In case an Ma for connonation of delay in filed, it supported b an affidavit of the applicant.
18. Whether t is cause ben heard by a single bench.
19. Any other points.
20. Result of the scrutiny with initial of the scrutiny clerk.

Scrutiny Assistant.

Section Officer.

Deputy Registrar.

Registrar.

may be numbered

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD.

Dairy No. 3057/97

Report in the Scrutiny of Application.

Presented by Shri M.P. Chandramurti Date of presentation. 19.9.97

Applicant(s) M. Sri Rama Chandramurti & anr.

Respondent(s) The Secretary, Central Water Commission,
New Delhi-2300

Nature of grievance Engagement of Camel Labour

No. of Applicants 2 No. of Respondents 4

CLASSIFICATION.

Subject.....No. Camel Labour Camr (M) Department Ministry of Water Resources (NO) 391

1. Is the application in the proper form, (three complete sets in paper books form in the two complitions). 44
2. Whether name description and address of all the parties been furnished in the cause title. 44
3. (a) Has the application been fully signed and verified. 44
(b) Has the copies been duly signed. 44
(c) Have sufficient number of copies of the application been filed. 47
4. Whether all the necessary parties are impleaded. 44
5. Whether English translation of documents in a language, other than English or Hindi been filed. 44
6. Is the application on time, (see section 21) 44
7. Has the Vakalatnama/Memo of appearance/Autorisation been filed. 44
8. Is the application maintainability. (U/S 2, 14, 18, or U/R. 8 Etc.,) 44
9. Is the application accompanied, duly attested legitable copy been filed. 44

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD Bench: HYDERABAD

INDEX SHEET

O.A. NO. 1272 of 1997.

CAUSE TITLE M. Sree Rama chandra murthy
& A/c

V. A. S. U. S.

The Secretary, Central water Commission,
New Delhi & A/c

SL. NO.	Description of documents	Page No.
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4.	Objection Sheet	-
5.	Spere Copies	2
6.	Covers	2

To direct the respondents to appoint the applicants as seasonal observers in work charged establishments and to absorb them. (2)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT HYDERABAD.

OA.NO. 1272/97.

Between :-

M.Sree Rama Chandra Murthy & another

.. Applicants.

And

The Secretary, Central Water Commission,
New Delhi and another

.. Respondents. (39)

Chronological State of Events.

साधारण/GENERAL

<u>Sl.NO.</u>	<u>Date</u>	<u>Events.</u>
1)	4-6-92	The 1st applicant was appointed as seasonal observer.
2)	-do-	The second Applicant appointed as seasonal observer.
3)	1-11-93	The 1st applicant appointed as Seasonal observer.
4)	2.4.94	Call letter to the 1st applicant
5)	18.4.94	1st applicant attended for interview.
6)	27.11.95	Letter addressed by the 3rd Respondent to the 1st applicant.
7)	27.06.96	Call letter to 2nd Applicant, and 1st applicant
8)	01-03-97	Letter from the Respondent No.3 to the 1st Applicant.

L. Panadion
Counsel for Applicant.



Received
19.9.97
B.N.R. Dany

3

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT HYDERABAD.

O.A.NO. 1272 of 1997.

Between :-

M.Sree Rama Chandra Murthy and another .. Applicants

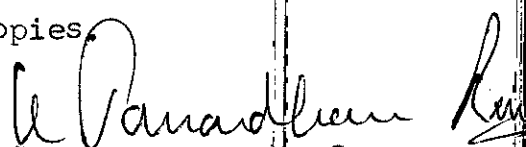
And

The Secretary, Water Commission (Central)
and others. .. Respondents.

Index to Original Application
and Material Papers.

Annexure NO.	Date	Description	Page No.
		Original Application	1 to 7
Annexure-I	4-6-1992	Appointment order	8
Annexure-II	27-08-92	Office order of the 3rd respondent	9
Annexure-III	31-12-92	Service Certificate	10
Annexure-IV	01-11-93	Appointment order of 1st Applicant.	11
Annexure-V	17-03-94	Service Certificate	12
Annexure-VI	02-04-94	Call letter to 1st Applicant.	13
Annexure-VII	27-11-95	Letter from R-3 to 1st Applicant.	14
Annexure-VIII	27-06-96	Call letter to 2nd Applicant.	15
Annexure-IX	01-03-97	Letter from R3 to 1st Applicant.	17

Certified to be true copies.


Signature of the Counsel.

Hyderabad.

Dt: 19.7.97

Application filed under Sec. 19 of the Administrative
Tribunals Act, 1985.

Date of Filing :-

Date of Receipt:-

Regd.No.:-

Signature :-

Registrar:-

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT HYDERABAD:

O.A.NO. 1272 of 1997.

Between :-

- 1) M. Sree Rama Chandra Murthy,
S/o. M. Raghava Chari, aged 34 years
R/o. D.No. 3/101, Post Office Road,
Badvel, Cuddapah Dist. 516227.
- 2) S. Manohar Reddy, Aged about 31 years,
S/o. S. Chinna Gopal Reddy, Boillavaripalli village,
Chennampalli Post, Badvel Mandal,
Cuddapah District.

.. Applicants.

And

- 1) The Secretary, Central Water Commission,
Room No. 310, Sewa Bhavan,
R.K. Puram, New Delhi.
- 2) The Superintending Engineer,
Central Water Commission,
Cauvery and Southern Rivers Circle,
H.No. 5621, 80 Fort Road, 1st Main,
2nd Block, Rajaji Nagar,
Bangalore-560010.
- 3) The Executive Engineer,
Central Water Commission,
Cauveri Division, 701, 47/A Cross Road,
W Block, Jaya Nagar, Bangalore-560041.
- 4) The Assistant Engineer,
Central Water Commission,
Pennar Sub Division,
7/362-3, Bhagyanagar Colony,
Cuddapah, Cuddapah Dist. 516002.

.. Respondents.

Details of Application.

1) Particulars of the Applicants :-

- | | |
|--|--|
| A) Name of the Applicant | :- M. Sreerama Chandra Murthy, |
| Father's Name | :- M. Raghavachari |
| Designation and Office
in which employed. | :- At present the applicant is
not working but previously he
worked as Seasonal observer in
the Respondents organisation. |
| iv. Office Address | :- NIL. |

- b) Name of the Applicant :- S.Manohar Reddy
- ii) Father's Name :- S.Chinna Gopal, Reddy
- iii) Designation & Office Address :- At present the Applicant is not working but previously he worked as Seasonal observer in the respondents organisation.
- iv) Office Address :- NIL.
- v) Address for Service :- M/s. M.P.Chandramouli,
Katta Janardhana Rao,
Advocates at H.No. 1-7-139/10
S.R.K.Nagar, Musheerabad,
Hyderabad-48.

2) Particulars of the Respondents:-

- 1.
2. -Same as shown above in the cause-title
- 3.
- 4.

3) Particulars of the order against which the application is made :-

- i) Order No.:- The applicants are not questioning any particular order.
- ii) Date of order :-
- iii) passed by :-

4) Brief History of the Case:- The 1st applicant appointed as Seasonal observer by the 3rd respondent from 1-8-92 and 30-11-92 and also appointed from 28-10-93 to 30-11-93 in the regular pay scale, but for subsequent years, though he was interviewed has not given the appointment order. Likewise the 2nd applicant appointed as Seasonal observer from 3-8-92 to 30-11-92 in the regular pay scale, in 1996 he was interviewed no appointment^{ment} was given. Hence this O.A., for a direction to the Respondents to appoint the applicants as seasonal observers for the season 1997^{onwards} and other reliefs including the absorption in the Organisation.

4) Jurisdiction of the Tribunal :- The applicants declares that the applicants and 4th respondents are in the state of A.P. and the applicants seeking employment in A.P. and hence the subject matter is within the jurisdiction of this Hon'ble Tribunal under Sec.14 of the Administrative Tribunals, Act, 1985.

5) Limitation :- The applicants declare that the application is within the period of limitation prescribed under Sec. 21 of the Administrative Tribunals Act, 1985.

6) Facts of the Case :-^{A)} It is submitted that the 1st applicant is a Post-Graduate in Economics and also Diploma Holder in L.C.E. (Licentiate in Civil Engineering) and also Post Graduate Diploma Holder in Materials Management. He has registered his name in the Employment Exchange, Cuddapah. During 1991 he received a call letter from the 4th Respondent for the Post of Seasonal Observer through Employment Exchange and he attended for the Interview, but he was not selected. Again during 1992 he received a call letter ~~from~~ for the Post of Seasonal Observer from 4th Respondent through Employment Exchange. He has attended for the Interview and selected for the Post of Seasonal Observer. The 3rd Respondent by his order dtd. 4.6.92 appointed the 1st Applicant as Seasonal Observer for a period from 1-8-92 to 30-11-92 in the pay scale of Rs950-20-1150-EB-25-1400 with other allowances as admissible to Central Government Employees and posted at Chennur site, Pennar Sub Division, Cuddapah. Accordingly he worked from 1-8-92 to 30.11.92. The 4th respondent by his letter dt. 25-10-93 requested the 3rd respondent to appoint the 1st applicant as Seasonal Observer from 28.10.93 to 30.11.93 at Nandipalli site, Pennar Sub Division, Cuddapah. Accordingly the 3rd respondent by his order 1-11-93 appointed the 1st applicant as seasonal observer from 3.11.93 to 30.11.93 in the pay scale of Rs950-20-1150-EB-25-1400. It is submitted that the 1st Applicant received call letter dt. 2.4.94 from 4th respondent directed to attend the interview on 18.4.94 for the post of Seasonal Observer. Accordingly the 1st applicant attended for the interview, but appointment was not given. The 1st Applicant by his letter dt. 1-9-95 addressed to the 3rd respondent requested to appoint him as Seasonal observer. To this letter the 3rd respondent has given reply dt. 27-11-95 stating that the monsoon season for the year is over, his case will be considered for the next season. The 4th respondent by his letter dtd. 27-6-96

directed the 1st applicant to attend for an interview on 8-7-96 for the post of Seasonal observer Grade-II. Accordingly the 1st applicant attended for the interview, but the respondent, not appointed him. The 1st Applicant by his letters dt. 25-1-97 and 30.1.97 addressed to the 3rd respondent requested to appoint him as Seasonal observer. To this letter the 3rd respondent given reply dtd 1-3-97 ^(Annexure IX) stating that though the interview for the post of Seasonal observers conducted during 7/96, the approval for appointment of seasonal observers have not given by the higher authorities due to the administrative reasons and his case will be taken for consideration as and when the approval is received subject to the availability of vacancies. But till the date the 1st applicant is not received any appointment order.

b) It is submitted that after completion of S.S.C., the 2nd applicant joined Civil Engineering Diploma Course in Polytechnic College and he has awarded Diploma in Civil Engineering during November, ^{1986.} ~~1985~~. He registered his name in the Employment Exchange, Vuddapah. The applicant received call letter from the 4th Respondent through employment Exchange during 1992 for the post of Seasonal observer. After interview the 3rd respondent selected the 2nd applicant and posted as Seasonal observer at Kamalapuram from 3-8-92 to 30-11-92 in the Scale of pay Rs950-20-1150-EB-25-1400 Plus other allowances applicable to the Central Government Employees. Accordingly the 2nd applicant worked as Seasonal observer at Kamalapuram site from 3-8-92 to 30-11-92 For subsequent years the 2nd applicant has submitted number of representations to the Respondents Nos. 3 and 4 requesting them to appoint him as Seasonal observer in Pennar Sub Division, but he was not appointed. Ultimately he received a call letter from the 4th Respondent dt. 27-6-96 ^(Annexure VIII) directing to attend interview for the Post of seasonal observer Grade II on 8-7-96. Accordingly the Applicant attended for the interview, but he was not appointed.

8

:: 5. ::

Subsequently he submitted a representation to Respondent 4 and 3 requesting them to appoint him atleast for the year 1997, but till to-day he has not received any information from the authorities.

c) The applicants submit that they are fully qualified for the post of seasonale observers. Both the applicants are Diploma Holders in Civil Engineering and they posses full knowledge in Swimming. After considering all these aspects they were selected and appointed as seasonal observers during 1992 itself. But for subsequent years the respondents appointing the low qualified and unexperienced candidates ignoring the qualifications and previous experience of the Applicants. The respondents ought to have given first preference to the applicants as they are Diploma holders in Civil Engineering and have worked in the post during 1992 itself. But the respondents every year appointing new persons without following the seniority experience and the Principle of "last come must first go" in stopping ~~the~~ or terminating the services. It is submitted that there are 9 seasonal observers posts and about 12 seasonal Khalasis posts in Pennar Sub Division, Cuddapah. The Persons who worked earlier to the Applicants (i.e., 1992) as Seasonal staff were absorbed in the organisation as regular work charged ~~employees~~ Khalasis. In order to absorb seasonal Khalasis and observers in the available work charges posts in the Circle the 1st independent issued Circular dt. 22.12.92. It is submitted that number of regular vacancies of work charged staff are available in Pennar Division. The Applicants are qualified and entitled to appointment as regular work charged staff in Pennar Sub Division. It is submitted that the 1st applicant is aged about 34 years and the 2nd applicant is aged about 31 years and they may not get employment elsewhere. Since 1992 they are living with the hope that they will get regular work charged staff posts in Pennar sub Division. The applicants are poor and unemployed and they are ~~are~~ facing several untold sufferings to maintain their families.

families. But the respondents not considering their qualification and previous experience even for the post of seasonal observers.

7) Relief(s) Sought for :-

For the reasons stated above, the applicants prays that this Hon'ble Tribunal may be pleased to declare the action of the Respondents in not appointing the applicants as Seasonal observers in Work charged establishment in Pennar sub Division in view of their previous experience and qualifications and appointing the new persons in the said posts as arbitrary illegal and void and consequently direct the Respondents to appoint the applicants as seasonal observers in work charged establishment in Pennar Sub-Division for the years 1997 onwards and to absorb the applicants in regular work charged staff posts and pass such order or other orders as this Hon'ble Tribunal may deem fit and proper.

8) Interim Relief:-

For the reasons stated above and in view of the interest of justice the applicants prays that this Hon'ble Tribunal may be pleased to direct the Respondents to appoint the applicants as Seasonal observers in work charged establishment in Pennar Sub Division for 1997 Season pending disposal of the above O.A., and to pass such order other orders as this Hon'ble Tribunal may deem fit and proper.

9) Details of the remedies exhausted :- The applicants declare that there is no other alternative remedy except to approach this Hon'ble Tribunal for the reliefs prayed in this O.A.,

10) Matters not pending with any other Court etc :-

The applicants further declare that the matter regarding which the application is made is not pending before any other Court or Tribunal or authority.

11. Particulars of Application Fee :-

- i. Postal order No :- 8-12 687125
ii. Date of Postal order :- 18.9.97
iii. Value of the Postal order for Rs. 50/-

12. Details of Index

'Enclosed'

U.P. R.C. B.D. Remover

13. List of Documents :-

1. O.A. with material Ppaers (with index)
2. Vaklath
3. Postal Order
4. Respondents Copies with Covers/Acks.

Signature of the Applicants.

1. M.S.R.C. Nwry

2. S. Ramachandray

Verification.

We the above named applicants do hereby verify and declare that is stated in the para-6 of the O.A. is true to our personal knowledge and rest of the paras are procedure and legal advise of our counsel.

1. M.S.R.C. Nwry

2. S. Ramachandray

S. Ramachandray
Counsel for the Applicants.

Hyderabad

Dt. 19.9.97

Annexure I

810

No. CD/6(1)/91/Adm.II/
Government of India

4063-65

Central Water Commission
Cauvery Division

701, 47/A Cross Road, V-Block, Jayanagar, B'lore-41

Dt: 4-6-92

Office Order

Consequent to his previous service in the department and earlier nomination by the Employment Exchange Cuddapah selection based on the nomination by the Employment Exchange Cuddapah vide letter No. A.3191/91 dated 28-6-91 for the post of Seasonal Khalasis/Observer on the Work Charged Establishment Shri M. Ramachandram S/o. Raghava Chari is hereby offered the post of Seasonal Khalasis/Observer on the W/c. Estt. in the pay scale of Rs. 950-20-1150-EB-25-1400/- to 12-8-92-EB-14-940 from 1-8-92 to 31-11-92

He is entitled to draw basic pay of Rs. 950/- plus other allowances as admissible to Central Government employees from time to time.

The offer of appointment is subject to the following terms and conditions:-

1. The appointment is seasonal and purely temporary on W/c. Estt. and will not confer any title to regular employment in this Department and is terminable with 14 days notice on either side.
2. In case of SC/ST candidates, he should produce SC/ST certificate issued by any Revenue Departmental Officer not below the rank of the Mandal Revenue Officer/Tahsildar at the time of reporting for duty.
3. He should produce proof of age, educational qualification certificate(s), physical fitness certificate issued by an Asstt. Civil Surgeon while joining duty.
4. His Services shall stand terminated automatically on the afternoon of last working day, unless extended by the competent authority by a specific order in writing.
5. The following other certificates require to be produced at the time of joining:
 - i) Declaration of the marital status in the prescribed proforma, In the event of the candidate having more than one wife living, the appointment is subject to his being exempted from the enforcement of the requirement.
 - ii) Certificate of relief from the previous employer, if any.
 - iii) Character certificate issued by a Gazetted Officer (State or Central).
 - iv) Oath of allegiance to the Constitution of India.
6. No T.A./D.A. is admissible for the joining the post.
7. If Shri M. Ramachandram S/o. Raghava Chari accepts the offer of appointment on the above terms and conditions, he should communicate his willingness in writing within 7 days failing which the offer of appointment will be treated as cancelled. In case of his acceptance, he should report for duty on or after 1-8-92 to Site-in-Charge, Site No. Chennur, S.D.O., Pennar Sub-Divn., Cuddapah District Village Tashil P.O.

To
M. Ramachandram S/o. Raghava Chari
Post. Street office
Badvel, Cuddapah Dt.

EXECUTIVE ENGINEER
CD/CWC/BANGALORE.

Copy forwarded for information and n/action to:-

1. AEE/AE, UGSD/UT-D/PSD, CWC, Bangalore/Davangere/Cuddapah. The Joining Report of the candidates may be forwarded to this office.
2. Site-in-Charge, Site No. Chennur. A swimming test may be conducted as and when flow is available and a report submitted to Sub-Division Office.

ur/-

True Copy

W. S. S. S. S.

EXECUTIVE ENGINEER.

4/6/92

Annexure II

92

Not CD/6(11)/11/82 / 6185-96
Government of India
Central Water Commission
Cauvery Division
701, 47/A Cross Rd., V Block
Jayanagar - Bangalore-47

Dt: 27/8/92

OFFICE ORDER

The following persons have reported for duty as Work-Sharing Seasonal Observers/Khalasis purely on temporary basis in the pay scale of Rs.950-20-1150-EB-20-1400/RS.710-17-1790-1-1-80 plus other allowances at the rates admissible under the Rules in-force. The services of the seasonal observer/khalasis will not confer as regular at any reason/case and will not be entitled for seniority. The persons concerned have already reported on dates shown against each.

Sl. No.	Name and Designation S/Shri	Place of posting.	Date of joining
1.	Ramachandramurthy, S/Obs.	Site-39A, Chennai.	01-03-1992 F.N.
2.	S. Manohar Reddy, S/Obs.	Komalapuram	01-03-1992 F.N.
3.	K. Raja, S/Kh.	Site-2N, Singavaram	01-03-1992 F.N.
4.	N. Ramalinga Reddy, S/Kh.	-do-	01-03-1992 F.N.

The services of the above seasonal observers/khalasis will stand terminated w.e.f. 30-11-92 F.N.

Office Order Book

(Sd/-) Jayanagar
Executive Engineer.

Copy to :-

1. Persons concerned thro' AE/EO/C.C./Cuddapah.
2. Asstt. Engineer, P.S.D., C.C., Cuddapah.
3. Site-in-Charge, 39A, Chennai/2N, Singavaram/Komalapuram.
4. Acm. IV.
5. A.E/CD/CAC, Bangalore.

EXECUTIVE ENGINEER
CD/CAC/BANGALORE.

ur/-

True Copy

W. Pandeyan
Comm/ or AMCH

1213

This is to Certify that Shri.M.SREE RAMA BHANDRA MURTHY S/O. M. RAGHAVA CHARY (Late) has worked in this Department as Seasonal Junior Observer, at site No.39A Chennur under Pennar Sub-Division, Central Water Commission, Cuddapah from 01.08.1992 to 30.II.1992 under the Pay Scale Rs. 950-20-1150-25-#1450, Plus allowances. His services were terminated on 30.II.1992 After Noon.

Sahib
31/12
ASSISTANT ENGINEER
PENNAR SUB-DIVISION
CENTRAL WATER COMMISSION
CUDDAPAH-2.

True Copy

W. D. Miller
Comm / on Aff

Annexure IV C.O.P 91

Government of India
Central Water Commission
Cauvery Divn., 701, 47/A Cross Rd.,
V Block-Jayanagar B'lore-41

No: CD/6(1)/91/Adm.II/ 7/53-56

Dt: 1-11-93

OFFICE ORDER 427

Consequent to his previous service in the department and earlier nomination by the Employment Exchange Cuddalore selection based on the nomination by the Employment Exchange Cuddalore vide letter No. A-3191/91 dt: 28-3-93 for the post of seasonal khaleasi/observer on the Work-charged Establishment Shri M. Sri Ramachandran M/s/o Raghavachari is hereby offered the post of seasonal khaleasi/observer on the W/c. Estt. in the pay scale of Rs.950-20-1150-EB-25-1400/750-12-870-EB-14-940 from 3-11-93 to 31-10-93

He is entitled to draw a basic pay of Rs. 950/- plus other allowances as admissible to Central Govt. employees from time to time.

The offer of appointment is subject to the following terms and conditions:-

1. The appointment is seasonal and purely temporary on W/c. Estt. and will not confer any title to regular employment in this department and is terminable with 14 days notice on either side.
2. In case of SC/ST candidates, he should produce SC/ST certificates issued by any Revenue Departmental Officer not below the rank of Mandal Revenue Officer/Tahsildar at the time of reporting for duty.
3. He should produce proof of age, educational qualification certificate(s), physical fitness certificate issued by an Asstt. Civil Surgeon while joining duty.
4. His services shall stand terminated automatically on the afternoon of last working day, unless extended by the competent authority by a specific order in writing.
5. The following other certificates require to be produced at the time of joining:
 - i) Declaration of the marital status in the prescribed proforma. In the event of the candidate having more than one wife living, the appointment is subject to his being exempted from the enforcement of the requirement.
 - ii) Certificate of relief from the previous employer, if any.
 - iii) Character certificate issued by a Gazetted Officer (State or Central).
 - iv) Oath of allegiance to the Constitution of India.
6. No TA/DA is admissible for the joining of the post.
7. If Shri M. Sri Ramachandran M/s/o Raghavachari accepts the offer of appointment on the above terms and conditions, he should communicate his willingness in writing within 7 days failing which the offer of appointment will be treated as cancelled. In case of his acceptance, he should report for duty on or after 3-11-93 to Site-in-Charge, Site No. Nandipalli, S.D.O., Peenay Sub-Divn., CWC, Cuddalore Village: Taluk P.O. Dist.

To Office Order Book

Shri M. Sri Ramachandran M/s/o Raghavachari, EXECUTIVE ENGINEER 7/1/93
Post office Street, Badvel,
Badvel Taluk, Cuddalore Dist.

Copy Forwarded for information & n/a to:-

1. S.D.O., PSD, CWC, Cuddalore Joining Report of the candidates may be forwarded to this office.
2. Site-In-Charge, Site No. Nandipalli A swimming test may be conducted as and when flow is available and a report submitted to Sub-Division Office.

ur/-

EXECUTIVE ENGINEER
CD/CWC/BANGALORE

True Copy

M. Ramachandran

Annexure V

1215

SERVICE CERTIFICATE

This is to certify that Shri. M.Sreeramachandra Murthy S/O Raghavachary has worked as Seasonal Observer in this Department at site Nandipalli under Pennar Sub-Division, Central Water Commission, Cuddapah from 03-11-1993 to 30-11-93 under the pay scale Rs. 950-20-1150-EB-25-1450 plus allowances. His services were terminated on 30-11-1993 After Noon.

B. V. S.
ASSISTANT ENGINEER
PENNAR SUB-DIVISION
CENTRAL WATER COMMISSION
CUDDAPAH - 2.

True Copy

A. Pandey

Amr... VI
No. PSD/WC-6/91/112 32
Government of India
Central Water Commission
Pennar Sub-Division
H.No. 3/362, Bhagyanagar Colony
Cuddapah - 516 002.

Dated: 2.4.94 (16)

13

Sub : Interview for Seasonal Observer/Khalasi

Sri. M. Sreenivasulu Murthy S/O Raghavachary

He is directed to attend for the interview on 18.04.94 at 10.00 A.M.
in the Office of the Assistant Engineer, Pennar Sub-Division, CWC
Cuddapah. He should bring his Original Certificates of Qualifi-
cation, Date of birth, Experience etc., for verification.
Knowledge of swimming is preferable for selection.
No T.A./D.A for attending interview.

ASSISTANT ENGINEER
PSD., CWC, CUDDAPAH.

To
Sri. M. Sreenivasulu Murthy
S/O Raghavachary Post Office Lane
Bongre

Copy to the Executive Engineer, Cauvery Division, Central
Water Commission, Bangalore along with the list of candidates for
whom call letters sent.

ASSISTANT ENGINEER
PSD., CWC, CUDDAPAH.

6392.

True Copy

W. D. ...

Am resone VII

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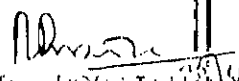
No: CD/6(1)/Adm.II/91-92/ 6158
Government of India
Central Water Commission
Cauvery Division
Kendriya Sadan
Koramangala
BANGALORE-560043

Dt: 25 November, 1995

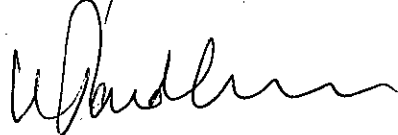
✓ Shri M. Sree Rama,
Chandra Murthy, L.C.E, D.M.M.,
D.No.3/101, Post Office Street,
Badvel, Cuddapah,
Andhrapradesh

Sub: Appointment of Seasonal Post
- requested -
Ref: Your Letter dt. 1.9.95

With reference to your application dt. 1.9.95 you
are hereby informed that as the monsoon season for this
year is over, your case will be considered for the next
season.


(R. DORAISWAMY)
Executive Engineer
CD/CWC/Bangalore-43

True Copy



Annexure VII

No. PSN/1006/96/83-17-12-13-14-15-16-17-18-19-20-21-22-23-24-25-26-27-28-29-30-31-32-33-34-35-36-37-38-39-40-41-42-43-44-45-46-47-48-49-50-51-52-53-54-55-56-57-58-59-60-61-62-63-64-65-66-67-68-69-70-71-72-73-74-75-76-77-78-79-80-81-82-83-84-85-86-87-88-89-90-91-92-93-94-95-96-97-98-99-100

Office of the Asst. Executive Engineer,
Ponnai Sub-Division, C. N. C. Chidambaram.

Subj: Interview for the post of Seasonal Observer Gr II.
You are hereby directed to attend for an
interview on 08.04.96 at 10.00 AM at this office of the
Assistant Engineer, Ponnai Sub-Division, Chidambaram
with all your original Certificates for the post of a
Seasonal Observer Gr II. No TA/DA for attending interview.

[Signature]
8/5/96

[Signature]
Ponnai Sub-Division
C. N. C. Chidambaram

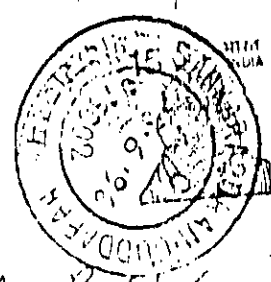
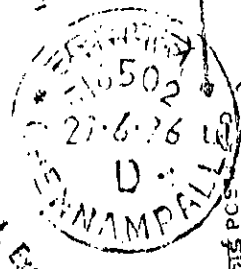
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[Signature]

16

19

SS 64, Roy
3282
Office of the Asst. Executive Engineer,
Ponnar Sub-division C. W. C.,
P/352-3, Bangalore, Coimbatore-516 092



(To)
S. Manohar Reddy
S/O Chinna Gopal Reddy
CHENNAI PALLI Vg. P.O.
Badrvel. Tal.
Cuddalore Dt. AP
पिन PIN

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298421

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[Signature]

Annexure IX 17 (20)

No: CD/6(1)/Adm-II/ 151-9

Government of India

Central Water Commission

Cauvery Division

1st Wing, III Floor, Kendriya Bhavan
Koramangala-3, Bangalore-34


Dt: 1/3/97

To

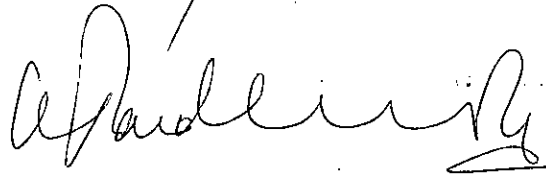
Shri M.S.R.C. Murthy, LCC
D.No. 3/101, Post Office Street,
Badvel, Cuddapah (District)
Andhra Pradesh
Pin-516227

Ref : Your letters dated 25/1/97 & 30/1/97.

With reference to your letters under reference, it is to state that even though the interview for the post of seasonal observers conducted during 7/96, the approval for the appointment of seasonal observers have not given by higher authorities due to administrative reasons. Your case will be taken for consideration as and when the approval is received subject to the availability of vacancies.


(G. PENCHALAIYAH)
EXECUTIVE ENGINEER
CD/CWC/BANGALORE.

True Copy



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No. 1272/97

Date of Order: 22.9.97

BETWEEN:

1. M.Sree Rama Chandra Murthy
2. S.Manohar Reddy

.. Applicants.

AND

1. The Secretary, Central Water Commission, Room No.310, Sewa Bhavan, R.K.Puram, New Delhi.
2. The Superintending Engineer, Central Water Commission, Cauvery and Southern Rivers Circle, H.No.621, 80 Fort Road, 1st Main, 2nd Block, Rajaji Nagar, Bangalore- 560 010.
3. The Executive Engineer, Central Water Commission, Cauveri Division, 701, 47/A Cross Road, V Block, Jaya Nagar, Bangalore - 560041. .. Respondent
4. The Assistant Engineer, Central Water Commission, Pennar Sub Division, 7/362-3, Bhagyanagar Colony, Cuddapah, Cuddapah Dist. .. Respondents.

Counsel for the Applicant

.. Mr. M.P.Chandra Mouli

Counsel for the Respondents

.. Mr. V.Bhimanna

CORAM:

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

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

Je

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J U D G E M E N T

X Oral order as per Hon'ble Shri R.Rangarajan, Member (Admn.) X

- - -

Heard Mr.M.P.Chandra Mouli, learned counsel for the applicant and Mr.V.Bhimanna, learned standing counsel for the respondents.

2. There are two applicants in this OA. The first applicant is a Post-Graduate Degree holder in Economics and also a Diploma Holder in L.C.E. The second applicant is a Diploma holder in L.C.E. Their names were sponsored by the Employment Exchange in the year 1991 for considering them for the post of Seasonal Observer for seasonal work. The first applicant was appointed as a Seasonal Observer for the period from 1.8.92 to 30.11.92 and again from 3.11.93 to 30.11.93. The second applicant was also appointed as a Seasonal Observer from 3.8.92 to 30.11.92. Thereafter they were not engaged though in subsequent years they were interviewed for that post. The applicant submits that freshers from the open market though sponsored by the Employment Exchange were appointed without considering the experience of the applicant herein as Seasonal Observer. As both the applicants are qualified diploma holders in L.C.E. and possess experience to perform the duties of the Seasonal Observer they should have been considered for the year 1994-95 but they were not considered. They were informed by letter No. CD/6 (1)/Adm.II/91-92/6158, dated 27.11.95 (A-7) that their case ^{would} be considered for future monsoon season as 1995 monsoon season, by them, was over. Once again with reference to the representation they were informed by letter No. CD/6 (1)/Adm-II/1569, dated 1.3.97 (A-9) that they ^{would} also be considered from 1997 season onwards. But inspite of the above assurance, their cases are not taken into consideration and there is every possibility that ^{freshers may be} ~~they may be~~ ^{are} appointed as seasonal observer ignoring the applicants who ~~were~~ ^{are} fully qualified and also have got earlier experience.

.. 3 ..

3. This OA is filed to consider them for appointment as Seasonal Observers in work charged establishment in Pennar Sub Division in view of the previous experience and qualifications and appointing the new persons in the said posts as arbitrary illegal and void and for a consequential direction to appoint the applicants as seasonal observers in work charged establishment in Pennar Sub-Division for the year 1997 onwards.

4. The main point to be considered in this OA is whether the previous experience is required to be taken into consideration for posting as Seasonal Observer from 1997 onwards. No doubt an experienced person will be better qualified compared to a person who has not worked earlier in the similar post. Hence when the applicant submits that they have a case, ^Kthat has been noted for due consideration.

5. In view of the above the following direction is given:-

If the post of Seasonal Observers are going to be filled from now onwards, the cases of the applicants should also be considered along with others taking due note of their educational qualifications and experience gained by them earlier due to their earlier working as Seasonal Observer.

6. With the above direction the O.A. is disposed of.

No costs.


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

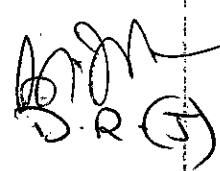
22.9.97


(R. RANGARAJAN)
Member (Admn.)

Dated : 22nd September, 1997

(Dictated in Open Court)

sd


S.R.G.

..4..

Copy to:

1. The Secretary, Central Water Commission,
Room No.310, Seva Bhavan, R.K.Puram,
New Delhi.
2. The Superintending Engineer, Central Water Commission,
Cauvery and Southern Rivers Circle, H.No.621,
80 Port Road, 1st Main, 2nd Block, Rajajinagar,
Bangalore.
3. The Executive Engineer, Central Water Commission,
Cauvery Division, 701, 47/A Cross Road,
V Block, Jaya Nagar, Bangalore.
4. The Asst. Engineer, Central ^{Water} Commission, Pennar Sub Division,
7/362-3, Bhagyanagar Colony, Cuddapah, Cuddapah District.
- ✓ 5. One copy to Mr.M.P.Chandramouli, Advocate, CAT, Hyderabad.
6. One copy to Mr,V.Bhimanna, Addl.CGSC, CAT, Hyderabad.
7. One copy to B,R.(A), CAT, Hyderabad.
8. One duplicate copy.

YLKR

14/10/97

CC on 24/10/97

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

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: 22/9/97

ORDER/JUDGMENT

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

in

D.A.NO. 1272/87

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

