

O.A/ T.A

1279

1938

G. Saranna Applicant (s)
Versus

Tele. Chairman Tele. Comm. Commission
New Delhi D. U. Dept. Respondent(s)

INDEX SHEET

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Certified that the file is complete
in all respects.

Signature of Dealing Hand.
(In record section)

Signature of S. O.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD
HYDERABAD BENCH

O.A.NO / T.A.NO. 1279 1987
OASR No. 3090/97

G. Somanna

Applicant (S).

Versus

The Chairman, Telecom. Commission, New Delhi Respondent (S).
and 4 others.

DATE	OFFICE NOTE	ORDERS.
25.9.1997	<p>Admt Notice Ar 3/10/97 Issued 24/10/97</p> <p>mine issued 25/9/97 + 4/97</p>	<p>Heard Mr. V. Venkateswar Rao for the applicants</p> <p>The OA is admitted. Counter in ^{Six} weeks. As interim measure it is directed that the applicants shall not be dis-engaged until further orders in pursuance of the impugned order, as long as the work is available. Orders be communicated telegraphically at the cost of the applicants.</p> <p>KSM</p> <p>12/8/98</p> <p>The OA is disposed of. Write order on separate sheet and cost.</p> <p>Dr. HHRP M(A)</p>

(P.T.O.).

Proforma of Form No. 4 — Continuation Sheet

रजिस्ट्री के टिप्पण
Notes of the Registry

अधिकरण के आदेश
Orders of the Tribunal

30/4/98

to produce documents on which they rely on for contesting the claim of the applicant. If reply statement is filed, the applicant may file rejoinder, if any, within 2 weeks thereafter. If no reply statement is filed within the said period, it would be deemed that the respondents do not wish to controvert the factual allegations contained in the application and the pleadings in the case would be treated as complete. List for completion of pleadings on 22.6.1998.

5-8-98

HRP/M(A)

AVH/VC

The Counsel for the Applicant is not present. It is seen from the record that the Counter Affidavit filed by the Respondents was served on the Applicant's Counsel only on 21/7/98. As per the order dated 30 April 98, the Applicant could file a rejoinder, if any, within 2 weeks thereafter. That period of 2 weeks has ended yesterday. In order, therefore, to ascertain whether any rejoinder is proposed to be filed, we defer the hearing of this case by one week, to enable the Applicant's Counsel to file a rejoinder, if he so desires. List this on next week.

HRP/M(A)

HRP/M(A)

रजिस्ट्री के टिप्पण
Notes of the Registry

अधिकार के आदेश
Orders of the Tribunal

30/4/98

Mr.V.Venkateshwara Rao
Sr.CGSC

Though the case has been admitted vide the order dated 25.9.1997, the respondents have not so far filed any reply statement. Though the matter was heard along with a batch of 18 cases, we find that for proper disposal of the case, a reply statement of the respondents is essential. Under Rule 12 of the C.A.T.(Procedure) Rules, the respondents have to file reply statement and produce documents within one month from the date on which the notice was received by them. They may also file the reply statement within the date extended by the Tribunal. We find that the respondents did not file a reply statement nor did they produce the document which would enable the Tribunal to dispose of the case even without a reply statement. Pleadings in this case has also not been taken as complete. Therefore it is not possible to dispose of this case on the basis of the general arguments advanced by the counsel. Hence the respondents are given four weeks further time to file a reply statement and

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH: SECHHYDERABAD.

ORIGINAL APPLICATION NO. 1279 OF 1997.

D. Mallikharajuna Rao & 3 others (Applicants(s))

VERSUS

~~Union of India, Repd., By.~~

Chairman, Telecom Commn.,

New Delhi & 4 others

Respondents(s)(s)

The Application has been Submitted to the Tribunal by Shri

V. Venkateswara Rao 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. 25/9/97

Scrutiny Asst.

24.9.97

Auth.
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 a plicant.
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.

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD.

Dairy No. 3090

Report in the Scrutiny of Application.

Presented by VV Rao Date of presentation.

Applicant(s) S. Somanna 23/9/73

Respondent(s) Chairman, Telecom, Delhi 20/5

Nature of grievance Termination

No. of Applicants 5 No. of Respondents 5

CLASSIFICATION.

Subject... Notice of Termination No. (7) Department Telecom (No. 1)

1. Is the application in the proper form, (three complete sets in paper books form in the two complitions). 87
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9. Is the application accompanied, duly attested legible copy been filed. 87

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD Bench: HYDERABAD

I N D E X

O.A.NO. 1279 of 1997.

CAUSE TITLE G. Samanara

V E R S U S

the chairman, Telecom Commission

new Delhi & 4 etc.

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7. Reply statement filed by M. N. R.
Advocate on 22/7/98.

Reg:- To Quash the notice of Termination dt. 30.8.97
issued by RS and declare that the applicants (H)
are entitled to grant of Temp. Status and
regularisation of service by applying the
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
Casual Labour Scheme HYDERABAD, 1989 to them.

O.A.NO. 1279

OF 1997

Single
Between:
G. Sornam
D. Mailikarjuna Rao and others

.. Applicants

And

The Chairman, Telecom Commission
and others

.. Respondents

(7) Notice 2
Termination

संसार TELECOM
Telecom (11)

CHRONOLOGY OF EVENTS

S.No.	Date	Description	(CL) Page No.
1.	22.03.95 22.06.94 19.06.94 02.02.96 17.06.94	Initial engagement of the applicants as casual labourers in the Department of Telecom	2
2.	02.06.88	Scheme of casual labourers regularisa- tion and grant of temporary status	3
3.	30.08.97	Impugned letter issued by the 5th respondent	6
4.	01.05.97	Orders in O.A.No.548/97 by this Hon'ble Tribunal	8

Hyderabad,

Dt: 21-08-97

Counsel for the Applicants



Recd
22/8/97
R.A.R. Denny
m

3

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:: HYDERABAD BENCH
AT HYDERABAD

O.A.NO. 1279 OF 1997

Between:

~~G. Somanm~~
~~D. Mallikarjuna Rao~~ and others .. Applicants

And

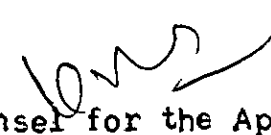
The Chairman, Telecom Commission,
and others .. Respondents

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3.	07.11.89	Scheme	18 to 19	II I
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5.	30.08.97	Impugned letter issued by R5 to Applicant No.4	21	V
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Hyderabad,

Dt: 21 -08-97


Counsel for the Applicants

(6)

Application filed under Section 19 of the Administrative
Tribunals Act, 1985

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:: HYDERABAD BENCH
AT HYDERABAD

O.A.No. 1279 OF 1997

Between:

1. ~~D. Mahalingarajoo Rao, S/o. D. Venka-~~
~~teswarlu, aged about 22 years,~~
~~Occ: Casual Labourer, Banaganapalli,~~
~~T.C., R/o. Kurnool~~
2. G. Somanna, S/o. G. Hanumanthu, aged
about 22 years, Occ: Casual Labourer,
SAP Camp, Telecom Centre, Kurnool,
R/o. Kurnool
3. A. Hanumanthu, S/o. Devasayam, aged
about 22 years, Occ: Casual Labourer,
T.C. Collectorate, Kurnool, R/o. Kurnool
4. R. Hanumanna, S/o. R. Sananna, aged about
21 years, Occ: Casual Labourer, T.C.
GPF Engg. College, Kurnool R/o. Kurnool
5. A. Ravi, S/o. Brahmaiah, aged 25 years,
Occ: Casual Labourer, T.C. Kodumur,
R/o. Kurnool

.. Applicants

And

1. The Chairman,
Telecom Commission
New Delhi
2. The Director General,
Telecommunications,
New Delhi - 110 001
3. The Chief General Manager,
Telecommunications, A.P. Circle,
Abids, Hyderabad
4. The Telecom District Manager,
Kurnool
5. The Superintendent Incharge,
C.T.O. Kurnool - 518 001.

.. Respondents

DETAILS OF THE APPLICATIONS

1. PARTICULARS OF THE APPLICANTS: The particulars
of the applicants for the purpose of service of no-
tices etc., is that of their counsel M/s. V. Venkateswar
Rao & K. Phaniraju, Advocates, 1-8-430, 1st Floor,
Uma Gardens, Chikkadapally, Hyderabad - 20.

2. PARTICULARS OF THE RESPONDENTS: The particulars of the respondents for the purpose of service of notices etc., are the same as shown in the cause title.

3. ORDERS AGAINST WHICH THE O.A IS FILED: The applicants herein files the present O.A praying for directions to the respondents to regularise their services by extending the Casual Labourers (Grant of Temporary Status and Regularisation) Scheme, 1989 to them and to quash the termination order dated 30.8.97 issued by the 5th Respondent.

4. JURISDICTION: The applicants herein submit that the original application filed is well within the jurisdiction of this Hon'ble Tribunal as provided under Section 14 (1) of the Administrative Tribunals Act, 1985 in as much as the applicants herein are employed as casual labourers within the territorial jurisdiction of this Hon'ble Tribunal and in the Department of Telecom.

5. LIMITATION: The applicants herein declare that the original application filed is well within the limitation period as prescribed under Section 21 (1) of the Administrative Tribunals Act, 1985 in as much as the impugned order is dated 30th August, 1997.

6. FACTS OF THE CASE: The applicants herein respectfully submits that they are engaged as casual labourers from 22.05.95, 25.06.94, 19.06.94, 02.02.94 and 17.6.94 respectively in the Department of Telecommunications. The applicants are discharging their duties of Class-IV nature continuously at Telecom Centre, Banaganapalli, Telecom Centre, SAP Camp, Kurnool, Telecom Centre, Collectorate, Kurnool

and Telecom Centre, G.P.R. Engineering College, Kurmool and Telecom Centre, Kodumur respectively. They have completed more than 240 days of work for the last more than two years. They are continued in the service as casual labourers without any break and are still functioning in the same capacity.

II) As per the scheme applicable to the casual labourers, all the casual labourers who were in service and completed 240 days of work continuously for atleast 2 years are entitled for grant of temporary status and regularisation in terms of the scheme of Casual Labourers (Grant of Temporary Status and Regularisation) Scheme. Though the applicants have become fully eligible and entitled for grant of temporary status and regular absorption in the Department against Group-D vacancies, the authorities are continuing the applicants deliberately on casual basis. Though the work entrusted to them are continuous and is perinial in nature, the applicants are not regularised so far and they have been continued only on casual basis. Continuation of the applicants as casual labourers by the authorities is only with an ulterior motive of denying them their right to regularisation and treatment on par with regular employee. As per the scheme referred to above, the applicants herein have become fully eligible and entitled to grant of temporary status and regular absorption in the department. They are engaged and their services are utilised as casual labourers continuously in the exigency of the Department and

there is work and need for regular employment. But merely on the ground that they were engaged after 22.6.88 their services are not regularised and they are now sought to be terminated from the service. In this connection, it is respectfully submitted that the scheme of Casual Labourers (Grant of Temporary Status & Regularisation) do not envisage any cut off date. It is only the departmental authorities who have deliberately adopted the cut off date of 22.6.88 as criteria for applying the said scheme to the casual labourers for the purpose of grant of temporary status and regularisation. The scheme was prepared and approved by the Telecom Commission pursuant to the judgment of the Hon'ble Supreme Court of India in Daily Rated Employees of P&T Vs. Union of India (AIR 1987 SC 2343). The Telecom Commission or the Hon'ble Supreme Court did not indicate any cut off date for application of the said scheme. Therefore, fixation of a cut off date by the departmental authorities as 22.6.88 for the application of the scheme is wholly illegal and arbitrary. Denial of grant of Temporary Status and regular absorption to the applicants merely on the ground that they are engaged after 22.6.88 is illegal and arbitrary. The applicants are entitled for the benefits under the scheme of Grant of Temporary Status and Regularisation. Denial of the same would constitute discrimination forbidden by the Constitution of India under the provisions of Article 14 & 16 of the Constitution of India. A similar scheme is in operation in the Railways wherein the casual labourers are granted the Temporary Status etc without reference to any cut off date. Prescriptions of cut off date in those circumstances is violative

of Article 14 & 16 of the Constitution of India. The applicants herein have fulfilled the entire criteria laid down in the scheme for grant of temporary status and regular absorption etc but for the cut off date which is arbitrary. Hence, they are entitled for the reliefs prayed for by them in the present O.A.

III) It is further submitted that attempts are being made to replace the applicants herein by entrusting the work to contract labour. Since the work is of perinial in nature and connected with the Department of Telecommunications, it would be not only violative of Article 14 & 16 of the Constitution of India but also ultravires of the provisions of the Contract Labour (Regularisation and Abolition) Act, 1976. Such an attempt on the part of the respondents would deprive the applicants of their livelihood in violating of Article 21 of the Constitution of India. The Department of Telecom have not obtained any licence from the concered authorities as required under the provisions of the Contract Labour (Regularisation and Abolition) Act, 1976 to invite tenders for entrusting the work of casual labourers to outside agencies. It is further submitted that the 4th & 5th respondents are treating the applicants herein as Contract Labour illegally and arbitrarily though they are casual labourers drawing the daily wages as prescribed by the department continuously. They are not engaged by or through any contractor or for any specific ~~age~~ job. The job entrusted to them is of regular and perinial in nature pertaining to the Department of Telecommunications. As such they cannot be termed as contract labour. Such an action on the part of the

respondents 4 & 5 is aimed at depriving the applicants of their livelihood and the benefits available to them under the scheme of casual labourers applied by the Department of Telecom.

IV) It is respectfully submitted that the 5th respondent herein issued Letter No.E.14/PT/CM/120 dated 30.8.97 to the applicants herein individually stating that their services will be terminated on 30.9.97 on the ground that their services are no longer required. The said impugned letter of termination issued by the 5th respondent is wholly illegal and arbitrary and violative of principles of natural justice. The applicants herein are entitled for notice and opportunity before the impugned orders of termination are issued by the 5th respondent. Since they have completed more than 240 days of service for the last more than two years continuously they are entitled to be issued notice before their services are terminated as per the provisions of Section 25 (F) of the Industrial Disputes Act. Even otherwise they are entitled for notice and opportunity before the impugned action is ^{taken} against them in the general principles of law in as much as the impugned letter of termination would take away their right of livelihood with effect from 30.9.97. The impugned letter dated 30.8.97 is violative of Article 14 & 21 of the Constitution of India. The reason behind the issue of the impugned letter dated 30.8.97 is only the cut off date dated 22.6.88 adopted by the departmental authorities. Initially 30.3.1985 was fixed as cut off date for the application of the

said scheme. Subsequently it was extended upto 22.6.88 prescribing the same as cut off date. Now the Department of Posts have extended the cut off date upto 10.9.93 for application of the similar scheme. It is also pertinent to note that O.A.No. 187/94 and batch filed by physically handicapped public telephone attendants who were working on commission basis in the department, the department of Telecommunications extended the scheme to treat them as casual labourers within the scheme. In those cases also there are persons who were engaged after 22.6.88.

V) It is further submitted that when administrative decision was taken to retrench the daily rated Mazdoors in each Division who were appointed after 1-4-1985, the Principal Bench of the Hon'ble Tribunal in O.A. No.529/88 held in its judgment dated 4-5-1988 that the decision to retrench these casual labourers is not valid in view of the Supreme Court Judgment dated 27.10.1987 in daily rated casual labourers employed in P&T Department Vs. Union of India.

VI) It is further submitted that the Department of Posts vide its letter No.66-52-Spd-1 dt.1-11-1995 decided that the full time casual labourers recruited after 29.11.1989 and upto 10.9.93 be considered for grant of benefits of temporary status and regularisation under the Casual Labourers (Grant of Temporary Status and Regularisation Scheme), 1989 framed pursuant to the directions of the Hon'ble Supreme Court of India in daily rated employees of P&T Vs. Union of India (AIR 1987 SC 2243). It is held by the Hon'ble Supreme Court of India in its order dated 17-4-1990 in Ram Gopal & others Vs. Union of India that its decision cited above squarely applies to the casual labourers recruited after 22-6-88 also in the Telecom Department as in the case of the Postal Department.

VIII] It is further submitted that other casual labourers working under the 4th respondent herein have filed O.A.No. 777/96 seeking regular absorption of their services by applying the scheme in the Department. The said O.A was disposed off by this Hon'ble Tribunal granting Stay of termination and directing the Telecom Commission to consider their representations to be submitted for grant of temporary status and regularisation by extending the scheme of casual labourers to them. But the representations submitted by them in pursuance of the said orders were rejected by the 3rd respondent stating that they are contract labour and not casual labourers. Thereafter, they have filed O.A.No.548/97 in which this Hon'ble Tribunal was pleased to grant Stay of termination on 1.5.97. The applicants herein are also similarly situated and the grounds of termination of the applicants with effect from 30.9.97 are also identical. Hence, they are entitled for the similar orders from this Hon'ble Tribunal. In this connection, it is further submitted that a batch of O.As filed by the casual labourers working in different districts of the Telecom for the similar relief are pending in this Hon'ble Tribunal for final hearing. If their services are terminated with effect from 30.9.97 the applicants and their families would suffer great hardship and irreparable loss. As such the impugned orders of termination are liable to be quashed by this Hon'ble Tribunal as illegal and arbitrary.

7. MAIN RELIEF: Therefore in the interest of justice the applicants herein pray that this Hon'ble Tribunal may be pleased to call for the records pertaining to Letter No.E14/PT/CM/120 dated 30.8.97 issued by the 5th respondent and quash the same as illegal, arbitrary, unconstitutional and violative of principles of natural justice by declaring that the applicants are entitled

for grant of temporary status and regularisation of their service by applying the Casual Labourers (Grant of Temporary Status & Regularisation) Scheme, 1989 to them with all consequential benefits such as seniority, arrears of pay and allowances etc., and pass any other order or orders as is deemed fit, proper, necessary and expedient in the circumstances of the case.

8. INTERIM RELIEF: The applicants herein further pray that this Hon'ble Tribunal may be pleased to suspend the operation of the Letter No. E14/PT/CM/120 dated 30.8.97 issued to the applicants herein by the 5th respondent in the interest of justice pending disposal of the above O.A and to pass any other order or orders as is deemed, first, proper, necessary and expedient in the circumstances of the case.

9. REMEDIES EXHAUSTED: There is no other alternative and efficacious remedy available to the applicants except to approach this Hon'ble Tribunal in view of the facts and circumstances explained above in compliance with the provisions of Section 20 of the Administrative Tribunals Act, 1985.

10. MATTERS NOT PENDING WITH ANY OTHER COURT ETC: The applicants herein submit that they have not filed any other O.A or any case before any other Forum to the same subject matter nor writ petition filed in this regard.

11. POSTAL ORDERS ETC:

An Indian Postal Order No. 677884 Dt. 19/9/97, for Rs.50/- (Rupees Fifty only) drawn in favour of Registrar, Central Administrative Tribunal, Hyderabad Bench, Hyderabad is enclosed herewith.

Rs. 50/-
S.D.O., D.D., Bommaru

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12. DETAILS OF INDEX:

An Index showing the details of Material Papers to be relied in the case is enclosed herewith.

13. ENCLOSURES:

1. Vakalatnama
2. Material Papers
3. Postal Order for Rs.50/-
4. Chronology of Events

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

We, 1) ~~D. Mallikarjuna Rao~~, 2) G. Somanna, 3) A. Hanumanthu and 4) R. Hanumanna, the applicants herein do hereby verify that the contents as stated in paragraph Nos. 1 to 13 are true and correct to the best of our knowledge and belief and on information and hence verified on this the 21st day of August, 1997.

Hyderabad,

Dt: 23-08-97

To

The Registrar,
Central Administrative Tribunal,
Hyderabad Bench, Hyderabad.

1) ~~D. Mallikarjuna Rao~~

2) G. Somanna

3) A. Hanumanthu

4) R. Hanumanna
A. Ravi
Applicants

WNS
Counsel for the
Applicants

// 11 //

ANNEXURE - I

S.No.	Name of the Applicant	Date of Employment.	Place of working
1.	D. Mallikarjuna Rao	22.05.95	T.C. Banaganapalli
2.	G. Somanna	25.06.94	T.C. SAP Camp, Kurnool
3.	A. Hanumanthu	19.06.94	T.C. Collectorate Kurnool
3.	R. Hanumanna	02.02.96	T.C. GPR Engg. College, Kurnool
4.	A. Ravi	17.06.94	T.C. Kodumur

17.6.94 to 2.2.96

RW

12 - AI (17)

3

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL,
HYDERABAD BENCH, HYDERABAD
PRINCIPAL BENCH, NEW DELHI
O.A. No.529/1988 dt.4.5.1988

Shri Sunder Lal & Others

... Applicants

Vs.

Union of India & Others

... Respondents

CORUM : - Hon'ble Mr. Justice K. Madhava Reddy, Chairman.
Hon'ble Mr. Kaushal Kumar, Member.

For the applicants Shri E.X. Joseph, Counsel.
For the respondents Shri P.H. Ramchandani, Sr. Counsel.

(Judgement of Bench delivered by Hon'ble Mr. Justice
K. Madhava Reddy, Chairman.)

This is an application under Section 19 of the Administrative Tribunals Act, 1985, calling in question the order No.TCD-II/EE/DR/128 dated 23.3.1988 (Annexure A-5) by which the services of the applicants stand terminated with effect from the afternoon of 23.3.1988.

2. From the order dated 28.7.1987 (Annexure A-3), it would appear that the respondents have taken a decision to retrench the Daily Rated Mazdoors in each Division who were appointed after 1.4.85. But the same order also discloses that consequent upon the retrenchment, the respondents are in dire need of filling up of those vacancies and they have asked all the General Managers to depute available officials for appointment against these posts.

3. In other words, the administrative decision to retrench all those Daily Rated Mazdoors who joined after 1.4.1985 has resulted in these vacancies.

4. The Supreme Court by its Judgement dated 27.10.1987 in Writ Petition No.373 of 1986 filed by the Daily Rated Casual Labour employed under P&T Department Vs. Union of India & Others directed:

"The respondents to prepare a scheme on a rational basis for absorbing as far as possible the casual labourers who have been continuously working for more than one year in the Posts and Telegraphs Department."

Tel

The Supreme Court further directed:

"The arrears of wages payable to the casual labourers in accordance with this order shall be paid within four months from today. The respondents shall prepare a scheme for absorbing the casual labourers, as directed above, within eight months from today."

The impugned order of retrenchment in this application is made thereafter on 23.3.1988. The applicants have admittedly put in nearly 3 years of service. Therefore, as per the directions of the Supreme Court, they were entitled to be absorbed and also entitled to receive wages, if any due. The administrative decision to retrench all those that were employed after 1.4.1985, therefore, no longer hold good. In fact, all those that are employed after 1.4.1985, even if they had continued for one year, are entitled for absorption in view of the orders of the Supreme Court. These applicants being entitled to be absorbed, their services could not be terminated. No sooner than the orders of termination were served, the applicants rushed to this Tribunal and filed this application on 29.3.1988 and prayed for interim relief. This application was admitted on 5.4.1988. In the circumstances, we direct that these applicants shall be reinstated in service forthwith. The impugned order of termination is accordingly quashed and the respondents are directed to reinstate the applicants with immediate effect and in any case, not later than 9th May, 1988. They shall, thereafter, be continued in service and shall be absorbed in accordance with the scheme that is said to be under preparation. It is also hereby declared that even if no formal orders reinstating them in service on or before 9th May, 1988 are issued, they will be entitled to the wages due to them from 9th May, 1988 onwards. This application is accordingly allowed. There will be no order as to costs.

Order Dasti be issued to both the parties.

// TRUE COPY //

TCE

5-A

and Electrification Circles also should not be resorted to.

3.2 In view of the above instructions normally no casual labourers engaged after 30.3.85 would be available for consideration for conferring temporary status. In the unlikely event of there being any cases of casual labourers engaged after 30.3.85 requiring consideration for conferment of temporary status, such cases should be referred to the Telecom. Commission with relevant details and particulars regarding the action taken against the officer under whose authorisation/approval the irregular engagement/non-retrenchment was resorted to.

3.3 No casual labourer who has been recruited after 30.3.85 should be granted temporary status without specific approval from this office.

4. The Scheme furnished in the Annexure has the concurrence of Member (Finance) of the Telecom. Commission vide No.SMF/78/89, dtd. 27.9.89.

5. Necessary instructions for the expeditious implementation of the Scheme may kindly be issued and payment of arrears of wages relating to the period from 1.10.89 arranged before 31.12.89.

Sd/-

Assistant Director-General(STN).

21

A III 14-15 (19)

Copy of DG Telecom ND Lr. No.269-10/89-STN,
dated 7.11.89 addressed to the CGMs Telecom.
Circles etc.

Sub: Casual Labourers (Grant of Temporary
Status and Regularisation) Scheme

Subsequent to the issue of instructions regarding regularisation of casual labourer vide this office letter No.269-29/87-STN, dt.18.11.88 a scheme for conferring temporary status on casual labourers who are currently employed and have rendered a continuous service of at least one year has been approved by the Telecom. Commission. Details of the Scheme are furnished in the Annexure.

2. Immediate action may kindly be taken to confer temporary status on all eligible casual labourers in accordance with the above Scheme.

3. In this connection your kind attention is invited to letter No.270-6/84-STN, dt. 30.3.85 wherein instructions were issued to stop fresh recruitment and employment of casual labourers for any type of work in Telecom. Circles/Districts. Casual Labourers could be engaged after 30.3.85 in Projects and Electrification Circles only for specific works and on completion of the work the casual labourers so engaged were required to be retrenched. These instructions were reiterated in D.O. letters No.270-6/84-STN, dt. 22.4.87 and 22.5.87 from Member (Pers.), and Secretary of the Telecom. Department respectively. According to the instructions subsequently issued vide this office letter No.270-6/84-STN, dt. 22.6.88 fresh recruitment of casual labourers even for specific works for specific periods in Projects

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'D' will be permitted only under the condition when eligible casual labourers are not available.

B) Till regular Gr. 'D' vacancies are available to absorb all the casual labourers to whom this Scheme is applicable, the casual labourers would be conferred a Temporary Status, as per the details given below.

5. Temporary Status:

- i) Temporary Status would be conferred on all the casual labourers currently employed and who have rendered a continuous service of at least one year, out of which they must have been engaged on work for a period of 240 days (206 days in the case of offices observing five day week). Such casual labourers will be designated as TEMPORARY MAZDOOR.
 - ii) Such conferment of temporary status would be without reference to the creation/availability of regular Gr. 'D' posts.
 - iii) Conferment of Temporary status on a casual labourer would not involve any change in his duties and responsibilities. The engagement will be on daily rates of pay on a need basis. He may be deployed anywhere within the recruitment unit/territorial circles on the basis of availability of work.
 - iv) Such casual labourers who acquire temporary status will not, however, be brought on to the permanent establishment unless they are selected through regular selection process for Gr. 'D' posts.
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18-15-89 (20)

ANNEXURE

CASUAL LABOURERS (GRANT OF TEMPORARY STATUS AND
REGULARISATION) SCHEME.

1. This scheme shall be called "Casual Labourers (Grant of Temporary Status and Regularisation) Scheme of the Department of Telecommunications, 1989".
2. This Scheme will come in force with effect from 1.10.89 onwards.
3. This Scheme is applicable to the Casual Labourers employed by the Department of Telecommunications.
4. Provisions in the Scheme would be as under:

A) Vacancies in the Group 'D' Cadres in various offices of the Department of Telecommunications would be exclusively filled by regularisation of casual labourers and no outsiders would be appointed to the cadre except in the case of appointments on compassionate grounds, till the absorption of all existing casual labourers fulfilling the eligibility conditions including the educational qualifications prescribed in the relevant Recruitment Rules. However, regular Group 'D' staff rendered surplus for any reason will have prior claim for absorption against existing/future vacancies. In the case of illiterate Casual Labourers, the regularisation will be considered only against those posts in respect of which illiteracy will not be an impediment in the performance of duties. They would be allowed age relaxation equivalent to the period for which they had worked continuously as casual labour for the purposes of the age limits prescribed for appointment to the Group 'D' cadre, if required. Outside recruitment for filling up the vacancies in Gr.

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iv) Until they are regularised, they would be entitled to Productivity Linked Bonus only at rates as applicable to casual labour.

7. No benefits other than those specified above will be admissible to casual labourers with temporary status.

8. Despite conferment of temporary status, the services of a Casual Labourer may be dispensed with in accordance with the relevant provisions of the Industrial Disputes Act, 1947 on the ground of non-availability of work. A casual labourer with temporary status can quit service by giving one month's notice

9. If a labourer with temporary status commits a misconduct and the same is proved in an enquiry after giving him reasonable opportunity, his services will be dispensed with. They will not be entitled to the benefit of encashment of leave on termination of services.

10. The Department of Telecommunications will have the power to make amendments in the Scheme and/or to issue instructions in detail within the framework of the Scheme.

....

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6. Temporary status would entitle the Casual Labourers to the following benefits:

- i) Wages at daily rates with reference to the minimum of the pay scale for a regular Gr. 'D' official including DA, HRA and CCA.
 - ii) Benefits in respect of increments in pay scale will be admissible for every one year of service subject to performance of duty for at least 240 days (206 days in administrative offices observing 5 day week) in the year.
 - iii) Leave entitlement will be given ^{on} pro-rata basis, one day for every 10 days of work. Casual leave or any other kind of leave will not be admissible. They will also be allowed to carry forward the leave at their credit on their regularisation. They will not be entitled to the benefit of encashment of leave on termination of services for any reason or their quitting service.
 - iv) Counting of 50% of service rendered under Temporary status for the purpose of retirement benefits after their regularisation.
 - v) After rendering three years continuous service on attainment of temporary status, the casual labourers would be treated on par with temporary Gr. 'D' employees for the purpose of contribution to General Provident Fund, and would also further be eligible for the grant of Festival Advance/Flood Advance on the same conditions as are applicable to temporary Gr. 'D' employees, provided they furnish two sureties from permanent Govt. Servants of this Department.
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AIN (22)

G.I. Department of Post, Letter No. 66-52/92-SPB-1, dated 1.11.1995 casual Labourers recruited after 29.11.1989 upto 10.9.1993 are also to be conferred "Temporary Status".

I am directed to refer to the Scheme on the above subject issued by this Office vide Letter No. 45-95/87-SPB-1, dated 12.4.1991 and No. 66-9/91-SPB-1, dated 30.11.1992 (Sl. No. 284, 308 of Swamy's Annual, 1991 and 1992 respectively) as per which full time casual labourers who were in employment as on 29.11.1989 were eligible to be conferred "Temporary Status" on satisfying other eligibility conditions.

The question of extending the benefits of the Scheme to those full time casual labourers who were engaged/recruited after 29.11.1989 has been considered in this office in the light of Judgment of the Central Administrative Tribunal, Ernakulam Bench, Ernakulam delivered on 13.3.1995 in O.A.No 750 of 1994.

It has been decided that full time casual labourers recruited after 29.11.1989 and upto 10.9.1993 may also be considered for the grant of benefits under the scheme.

This is issued with the approval of IS and FA vide Dy. No. 2424/95 dated 9.10.1995.

(Published in Swamy's News at Page No. 146, Item 55 of February, 1996).

TC

पत्रा-7
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दूरसंचार विभाग

DEPARTMENT OF TELECOMMUNICATIONS

REGISTERED/AD

प्रेषक
From

Superintendent I/c.
C.T.O. KURNOOL-518 001.

प्रेष्य
To

Sri. A. RAVI,
CONTRACT LABOUR
TELECOM CENTRE, KODUMUR

सं.

No. E14/PT/CM/120

दिनांक

Dated at Kurnool the 30-8-97.

Sub:: Engagement of contract labours.

Ref:: TIM Kurnool letter No. KN/1-51/96-97
dated 28-4-97.

Your services will be terminated on 30-9-97
since no longer required.

M. G. Jeyaraj
(A. Ganapathyulu)
Superintendent I/c.
C.T.O. KURNOOL-518 001.

Re

पत्रा-7
Coir-7

दूरसंचार विभाग

DEPARTMENT OF TELECOMMUNICATIONS

प्रेषक
From

Superintendent I/c.
C.T.O. KURNOOL-518 001.

प्रेष्य
To

श्री. HANUMANTHU
CONTRACT LABOUR
TC - CLT - KURNOOL

सं.

No... 214/PT/CM/120

दिनांक

Dated at Kurnool. 30-8-97.

Sub: Engagement of contract labour.

Ref: TEM Kurnool letter No. IN/1-51/96-97
dated 28-4-97.

Your services will be terminated on 30-8-97
since no longer required.

(Signature)
(A. Rajjanyula)
Superintendent I/c.
C.T.O. KURNOOL-518 001.

पत्रा-7
Corr-7

दूरसंचार विभाग

DEPARTMENT OF TELECOMMUNICATIONS

सेवा
From

Superintendent I/c.
C.T.O. KURNOOL-518 001.

सेवा में
To

23-5-97
REGD/AD
S. G. Somanna
CONTRACT LABOUR
TC. SAP- KURNOOL

स.

No... 214/PT/04/120

कमिशन

Dated at Kurnool. the 30-8-97

Sub:: Engagement of contract labours.

Ref:: TTM Kurnool letter No. KN/1-51/26-97
dated 28-4-97.

Your services will be terminated on 30-8-97
since no longer required.

A. Ramajanyulu
(A. Ramajanyulu)
Superintendent I/c.
C.T.O. KURNOOL-518 001.

Ph

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AVM

REGD/AD
~~SECRET~~

पत्रा-7
Coir-7

दूरसंचार विभाग

DEPARTMENT OF TELECOMMUNICATIONS

प्रेष
From

Superintendent I/c.
C.T.O. KURNOOL-518 001.

सेवा में
To

MR. R. HANUMANNA

CONTRACT LABOUR

TC-GPR KURNOOL

सं.

No... 214/PT/01/120

दिनांक

Dated at Kurnool. the 30-8-97

Sub: Engagement of contract labours.

Ref: TIM Kurnool letter No. EN/1-51/96-97
dated 28-4-97.

Your services will be terminated on 30-2-97
since no longer required.

(Signature)

(A. Ramanjaneyulu)
Superintendent I/c.

C.T.O. KURNOOL-518 001

TL

(28)

CENTRAL ADMINISTRATIVE TRIBUNAL.
HYDERABAD BENCH.

O.AREGD. NO. 3070/97

Date: 24/9/97

To
Sri V. Venkateswara Rao, Adv.
Sir,

I am to request you to rectify the defects mentioned below in your application within 14 days from the date of issue of this letter, failing which your application will not be registered and action under Rule 5 (4) will follow.

Impugned order wts the Govt
applicant is to be provided.

Similar impugned order was issued to the
the Govt Applicant as per the order of the Bench.
The impugned order of the Govt Applicant is
presently not available with the Bench. In
view of the urgency involved in the matter
we under take to file the same in due course
Hence complied with.

objection complied
to Bench

24/9/97

W
24/9/97

DEPUTY REGISTRAR (JUDL)

WIRE AT PARTY'S COST.

(29)

- The Chairman, Telecom Commission, New Delhi.
- The Director General, Telecommunications, New Delhi.
- The Chief General Manager, Telecommunications, A.P. Circle, Hyderabad.
- The Telecom District Manager, Kurnool.
- The Superintendent Encharge, C.T.O. Kurnool - 518001.

By order of Tribunal is of 1279/97 dated 25-9-1997 filed by G. Somanna s/o ~~G. Hanumanth~~ ^{Hanumanth} casual labourer, SAP camp, Telecom Centre Kurnool. A. Hanumanth s/o Denasayam casual labourer, T.C. Collectorate, Kurnool - R. Hanumanth s/o R. Somanna casual labourer, T.C. G.P.E. Engineering College Kurnool. R. Ravi s/o Brahmaniah casual labourer T.C. Kodumoor R/o Kurnool you are directed that the applicants shall not be dis-engaged until further orders in pursuance of the Impugned order namely letter no. EM/PT/CM/120 dated 30.8.97 as long as the work is available - order following

केन्द्रीय प्रशासनिक न्यायालय
Central Administrative Tribunal
दिल्ली/DESPATCH

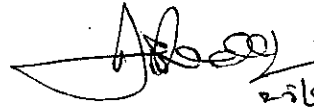
25 SEP 1997

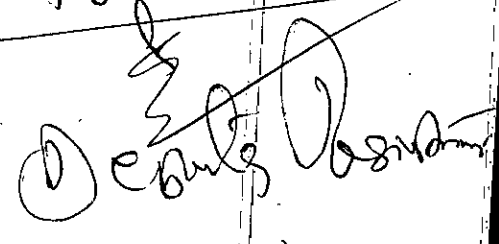
हैदराबाद न्यायपीठ
HYDRABAD BENCH

of 1279/97

of 25.9.97

and.


25/9/97


Deputy Registrar

BY THE CHIEF JUSTICE OF THE SUPREME COURT OF INDIA, NEW DELHI

O.A.No. 1279/97.

Date of order: 25-9-97.

Between:

1. S. Sankaranarayanan.
2. S. Sankaranarayanan.
3. S. Sankaranarayanan.
4. S. Sankaranarayanan.

... Applicants.

And

1. The Chairman, Telecom Commission, New Delhi.
2. The Director General, Telecommunications, New Delhi-1.
3. The Chief General Manager, Telecommunications, New Delhi-1.
4. The Telecom Dist. Manager, Kurnool.
5. The Superintendent Incharge, C.T.O. Kurnool-1.

... Respondents.

For the Applicants: Mr. V. Venkateswar Rao Advocate.

For the Respondents: Mr. ...

ORDER:

THE CHIEF JUSTICE OF THE SUPREME COURT OF INDIA (ALPS)

The Tribunal made the following order:-

Heard Mr. V. Venkateswar Rao for the Applicants.
The case is admitted. Counter in six weeks.

Interim measure it is directed that the applicants shall not be dis-engaged until further orders in pursuance of the impugned order, as long as the work is available. R

[Signature]
Deputy Registrar.

-2-

O.A.1279/97

To

1. The Chairman,
Telecom Commission, New Delhi.
2. The Director General,
Telecommunications, New Delhi-1,
3. The Chief General Manager,
Telecommunications, A.P.Circle,
Abids, Hyderabad.
4. The Telecom District Manager,
Kurnool.
5. The Superintendent Incharge,
C.T.O.Kurnool-1.
6. One copy to Mr.V.Venkateswar Rao, Advocate, CAT.Hyd.
7. One copy to Addl.CGSC. CAT.Hyd.
8. One spare copy.

pvm

Roueo
30/9/97.

20/9/97

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)

DATED:- 25/9/97

ORDER/JUDGMENT.

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

in

O.A.No. 1279/97.

T.A.No. (W.P.)

Admitted and Interim directions issued.

Allowed

Disposed of with Directions.

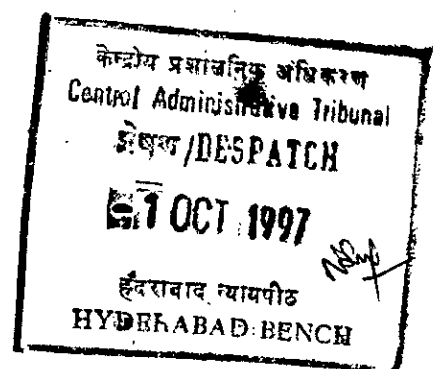
Dismissed.

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected

No.order as to costs.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH
AT HYDERABAD.

GA 1279/97

DATE: 30-4-98.

Between:

G.Somanna and 3 others.

.. Applicants.

and

1. The Chairman,
Telecom Commission,
New Delhi.
2. The Director General,
Telecommunications,
New Delhi-1.
3. The Chief General Manager,
Telecommunications,
A.P.Circle, Abids, Hyderabad.
4. The Telecom Dist.Manager,
Kurnool.
5. The Superintendent Incharge,
CTO Kurnool-1.

.. Respondents.

For the Applicants: Mr. V.venkateswar Rao, Advocate.

For the Respondents: Mr. N.R. Devraj, SE.CGEC.

CORAM:

THE HON'BLE MR.A.V.HARIDASAN : VICE-CHAIRMAN

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

The Tribunal made the following Order:-

.. contd..

Though the case has been admitted vide the order dated 9-5-97, the respondents have not so far filed any reply statement. Though the matter was heard along with a batch of 16 cases, we find that for proper disposal of the case, a reply statement of the respondents is essential. Under Rule 12 of the CAT(Procedure) Rules, the respondents have to file reply statement and produce documents within one month from the date on which the notice was received by them. They may also file the reply statement within the date extended by the Tribunal. We find that the respondents did not file a reply statement nor did they produce the document which would enable the Tribunal to dispose of the case even without a reply statement. Pleadings in this case has also not been taken as complete. Therefore it is not possible to dispose of this case on the basis of the general arguments advanced by the counsel. Hence the respondents are given four weeks further time to file a reply statement and to produce documents on which they rely on for contesting the claim of the applicant. If reply statement is filed, the applicant may file rejoinder, if any, within 2 weeks thereafter. If no reply statement is filed within the said period, it would be deemed that the respondents do not wish to controvert the factual allegations contained in the application and the pleadings in the case would be treated as complete. List for completion of pleadings on 22.6.1998.

[Signature] 15-58
Deputy Registrar.

I COURT

TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE *AV Hari Dasa*

VICE-CHAIRMAN
AND

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

DATED: 30-6-1998.

~~ORDER/JUDGMENT~~

M.A./R.A./C.A.No.

in

O.A.No.

T.A.No.

1279/97.
(w.p.)

Admitted and Interim directions
issued.

Allowed.

list on 22/6/98

Disposed of with directions

Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

pvm.

के. ए. प्रशासनिक अधिकरण
Central Administrative Tribunal
हैदराबाद ब्याचपीठ
HYDERABAD BENCH

19 MAY 1998

Despatch
22/6/98

विभाग/APPAL SECTION

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

O.A.No. 1279 of 1997

Between:

G.Somanna & 3 others.

...Applicants

And

The Chairman, Telecom Commission
& 4 others.

...Respondents

REPLY STATEMENT ON BEHALF OF THE RESPONDENTS

I, **G.V.R.Setty**, S/o G.Govinda Setty aged 51 years R/o. Hyderabad solemnly affirm and state on oath as follows.

1. I am working as Assistant General Manager(Legal) in the office of the Chief General Manager Telecom., A.P.Circle, Hyderabad. I am well acquainted with the facts of the case. I am filing this affidavit on behalf of the respondents and I am authorised to do so. All the material averments save those that are expressly admitted herein are denied and the applicant is put to strict proof of the same.

2. It is submitted that the expansion of Telecom Services lead to opening of many Telegraph Offices and Telecom Centres in the state of Andhra Pradesh mostly in small towns and semiurban areas. These offices are mostly very small offices receiving or transmitting a few telegrams. The usage of Public telephone service at these offices for long distance telephone calls is also very meagre. Most of the offices do not justify for posting of a regular sweeper/cleaner or a regular telegraph messenger. In such places the works of sweeping, cleaning, delivery of Telegrams etc were clubbed together and on the basis of the work load contract labourers are engaged to do those assorted jobs. Though the department made several efforts to see that the contracts are made with agencies but not with individuals, because of the geographical spread and remoteness of most of these offices, most of the labourers were engaged through individual contracts and in most cases the work allotted does not stretch beyond six hours. There are nearly 400 such contract labourers engaged in various Telegraph Offices and Telecom Centres in A.P.Telecom Circle.


ATTESTOR

विधि अधिकारी

LAW OFFICER

मु. म. प्र. दूरसंचार आ.प्र. का कार्यालय

O/o. C G. M. Tel-com, A. P.

हैदराबाद/Hyderabad 500 001.


DEPONENT

G. V. R. SETTY
A.G.M. (Legal)
for C.G.M. Telecom, A.P. Hyd.

Handwritten notes:
Telcom
24/7/97

3. It is submitted in reply to Para 4 of OA that they are engaged as contract labourers in Telecom Centres in Kurnool District on a contract to do the specific work (such as delivery of Telegrams, Sweeping, Cleaning etc.,) renewable every month. The work entrusted to each of the applicant amounts to 6 hours per day whereas Casual Labourers engaged on daily wages are to work for 8 hours per day. Applicants are not engaged as casual labourers.

4. It is submitted in reply to Para 6.II and 6.III that the allegation made by the applicants that they are being continued deliberately on casual basis is denied. As the applicants are being engaged on contract basis, they are not entitled to any benefits the Government and various courts extended to casual labourers. The casual labourers (Grant of Temporary Status and Regularisation) Scheme 1989 is applicable to only those casual labourers who were working as casual labourers as on 1.10.89 as per the judgement dated 30.4.98 of this Hon'ble Tribunal in OA 1080/95. The applicants had never worked as casual labourers before their engagement of contract labourers and hence the question of conversion of applicants from casual labourers to contract labourers does not arise at all. The applicants are engaged as contract labourers through individual contracts without an intermediary agency because of the specific circumstances as submitted in para 2 above. However, such an irregular engagement DEHORS the rules does not give the benefit of regularisation to the applicants as per the Hon'ble Supreme Court of India in a catena of Judgements.

5. It is submitted in reply to paras 6(iv) and 6(v) that this Hon'ble Tribunal on 27.3.91 in OA No.367 of 1988 and Batch cases 1991(2) SLJ(CAT)175 held -

"The question whether an order of termination of a worker is illegal on the ground that there has been a violation of ID Act has to normally be raised by way of an industrial dispute before an Industrial Tribunal. This is the purport of the larger Bench decision of this Tribunal in 1991/(1) SLR 245. Hence, if the applicants were aggrieved by the orders of termination they ought to and should have been raised an industrial dispute".


ATTESTOR

विधि अधिकारी

LAW OFFICER

मु. म. प्र. दरसवार ऑ.प्र. का कार्यालय
O/o. C. G. M. Telecom, A. P.
हैदराबाद/Hyderabad-500 001.


DEPONENT

G. V. R. SETTY
A.G.M. (Legal)
for C.G.M. Telecom, A.P. Hyd.

In case of physically handicapped public telephone attendants in OA No 187/94 and batch they were absorbed as casual mazdoors on their option from the date of their initial engagement and then the scheme was made applicable to them and temporary status was granted to those who became eligible according to the scheme only. The work entrusted to the applicants is only of 6 hours, whereas the work of casual mazdoors is for 8 hours a day and as such applicants are not entitled for conversion as Casual Labourers.

6. Further, it is submitted that this Hon'ble Tribunal upheld the decision of CGM Telecom through Ir.dated 31.7.95 to award contract to contract agencies upheld in OAs 230/96 ON 26.06.96, OA 559/96 on 10.12.97 and OA 382/97 on 26.12.97. This Hyderabad Bench of Hon'ble C.A.T. comprising of **Hon'ble Justice Shri M.G. Chowdari, Vice Chairman and Hon'ble Shri H.Rajendra Prasad, Member (Admn.)** in OA 230/96 on 26.06.96, observed –

“[7] We also cannot although, we may have desired to do so, direct any employment even till a contract is assigned because of the tenor of the circular dated 31.7.95. Any such direction given will be violative of the clear instructions of the Department and its Policy and it is not possible to disregard the policy framed by the Competent Authority. **Moreover, the circular in question shows that it is intended to replace the casual labourers by an agench after calling for competent quotations for tenders and then awarding contract. Such policy cannot be said to be unreasonable.**”

(Emphasis added)

In OA 559/96 dated 10.12.1997 **Hon'ble Shri R.RangaRajan, Member[Admn.]** upheld the above view and in OA 382/97 dated 26.12.97 **Hon'ble Shri H.Rajendra Prasad, Member(Admn)** and **Hon'ble Shri B.S.Jai Parameswar, Member(Judl.)** also upheld the above view.


ATTESTOR

LAW OFFICER

मु. म. प्र. दूरसंचार आ.प्र. का कार्यालय
O/o, C. G. M. Telecom, A. P.
हैदराबाद/Hyderabad-500 001.


DEPONENT

G. V. R. SETTY
A.G.M. (Legal)
for C.G.M. Telecom, A.P. Hyd.

7. It is submitted that in reply to Paras 6(vi) and 6(vii) that the proposal of Department of Telecom, to extend the benefits available to the casual labourers in Department of Posts was not accepted by the Department of Personnel & Training. However, the applicants being contract labourers are entitled only if those benefits had been extended to the Department of Telecom.

In view of the above, it is submitted that there is no merit in the OA. Hence, it is prayed that the Hon'ble Tribunal may be pleased to dismiss the OA, and pass such other order or orders as the Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

Solemnly sworn and signed
before me on this 3rd day
of July, 1998 at Hyderabad.

[Signature]
ATTESTOR 13/7

विवि अधिकारी

LAW OFFICER

मु. म. प्र. दूरसंचार आ. प्र. का कार्यालय

O/o. C. G. M. Telecom, A. P.

हैदराबाद/Hyderabad-500 001.

[Signature]
DEPONENT 13/7

G. V. R. SETTY

A.G.M. (Legal)

for C.G.M. Telecom, A.P. Hyd.

- 6] **1997 SCC (L&S) 902** (Before K.Ramaswamy and G.T.Nanavathi JJ)
Between: State of U.P. and Others Vs. Ajay Kumar
C.A.No.1563 of 1997 Decided on 17.2.97

Para 3 Daily wage appointment will obviously be in relation to contingent establishment in which there cannot exist any Post and it continues so long as the work exists. Under these circumstances the division Bench was clearly in error in directing the appellant to regularise the services of the respondent to the post as and when the vacancy arises and to continue him until then....

- 7] **1997 SCC (L&S) 1079** (Before K.Ramaswamy and D.P.Wadhwa JJ)
Between: H mansu Kumar Vidyardhi and Others Vs. State of Bihar and Others
SLP(C) No. 1957 of 1996 (C.A.No.6908 of 1996) Decided on 26.03.97

Para 3... Admittedly they were not appointed to the posts in accordance with the rules but were engaged on the basis of need of the work. They are temporary employees working on daily wages under these circumstances, their disengagement from service cannot be construed to be a retrenchment under the industrial disputes act..... Since they are only daily wage employees and have no right to Posts, their disengagement is not arbitrary.

CASE LAW ON CALUAL LABOUR REGULARISATION

- 1] **1997 SCC (L&S) 331**
(Before K.Ramaswamy and Faizan Uddin JJ)
SLP (C) No.16725 of 1996 Decided on 04.09.96
Between E.Ramakrishnan and Others Vs. State of Kerala and Others

Petitioners appointed de hors the said rule although officiating for a long period (14 years in this case) rightly refused the relief of regularisation by the High Court.

- 2] **1997 SCC (L&S) 210**
(Before A.M.Ahmadi CJ and Sujata V.Manohar J)
Between: State of Haryana and Others Vs. Jasmer Singh and Others
C.A.Nos. 14223 of 1996 with 14224-14362 of 1996 Decided on 7.11.96

Regularisation of daily rated workman who had completed certain Number of years of service, held, is a Policy matter to be decided by the State.

- 3] **1997 SCC (L&S) 478**
(Before K.Ramaswamy and G.B. Patnaik JJ)
Between: U.O.I. and Others Vs. S.Bishamser Dutt
C.A.Nos. 14528-30 of 1996 Decided on 23.10.96

Persons appointed as Part-time employees de hors the rules, even though Regularly working for a long time are not entitled for regularisation.

- 4] **1997 SCC (L&S) 726**
(Before S.C.Agarwal and G.T.Nanavathi JJ)
Between: H.P.Housing Board Vs. OM PAL and Others
C.A.Nos. 13721-22 of 1996 Decided on 1.11.96

Para 8 The question of regularisation of the respondents could arise only if the termination of their services with effect from 1.12.1990 was found to be invalid.

- 5] **1997 SCC (L &S) 844**
(Before K.Ramaswamy and G.T. Nanavathi JJ)
Between: State of Haryana Vs. Surinder Kumar and Others
C.A.No. 1969-70 of 1997 dated 10.03.97

Para 5.....obviously the respondents' recruitment was not made in accordance with the rules. This Court has also pointed out in State of Haryana Vs. Jasmer Singh in that behalf. If any illegal actions have been taken by the officers after recruitment, it would be a grave matter of indiscipline by the officers and the higher authorities are directed to look into the matter and see that such actions are rectified, but that would not be a matter for this Court to give legitimacy to illegal acts done by the officers to grant relief on the basis of wrong or illegal actions of superior officers.....

produced by the Sr. Central Govt. Standing Counsel, arguments were addressed by the Sr. Central Govt. Standing Counsel in common to all these cases. The various counsel appearing for the applicants in the individual Original Applications also made submissions. However it is now noticed that various applications have varying, distinct and individual sets of facts which call for reply by the respondents and that reply statements in many of the cases have not been filed. Pleadings are complete only in this O.A. and in O.A.No.492/97. In O.A.No.764/97 notice before admission was given and a direction was given by order dated 20.8.97 to file detailed reply statement on issues specified in the order and despite adjournments given, the reply statement has not been filed and no order on admission has been made. In all the other 16 cases, though applications were admitted, reply statements were not filed and pleadings have not been taken as complete. According to Rule 12 of the C.A.T(Procedure) Rules, the contesting respondents have to file reply statement and produce documents in the form of paper-book with the Registry within one month from the date of receipt of notice on admission. However, it is provided in sub-rule(5) of Rule 12 that the Tribunal may allow filing of reply statement after expiry of the period prescribed. In the 16 applications as aforesaid there is no order either granting the respondents further time for filing reply statement or taking the pleadings as complete. No document which would enable the Tribunal to consider and dispose of the individual applications in the absence of pleadings also have been filed in these cases. When the matter was heard, the fact that reply statements in individual cases were not filed and that the pleadings were not complete, were

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

HYDERABAD BENCH

O.A.No.1080/1995

CORAM:

HON'BLE SHRI A.V.HARIDASAN, VICE CHAIRMAN

HON'BLE SHRI H.RAJENDRA PRASAD, MEMBER(ADMN.)

C.R.Ramamohan,
Casual Mazdoor in the
Telecom District Manager's office,
Anantapur.

...Applicant

(By Advocate Mr.C.Suryanarayana)

vs.

1. The Telecom District Manager,
Anantapur- 515050.
2. The Director General, Telecom,
(reptg. Union of India),
New Delhi-110 001.

(By Advocate Mr.V.Rajeswara Rao, Addl. CGSC)

The Application having been heard on 26.2.98, the Tribunal on
30.4.98 delivered the following

O R D E R

HON'BLE SHRI A.V.HARIDASAN, VICE CHAIRMAN:

This Original Application along with 18 other cases were listed for a joint hearing as it was felt that some common questions of law and facts were involved in all these cases. As a matter of fact some common questions as to whether the Industrial Disputes Act ('I.D.Act' for short) is applicable to the Department of Telecom, whether the scheme for grant of temporary status and regularisation evolved in the Department is an ongoing one or a one time dispensation for regularisation of casual labourers who were in existence on a particular date etc. would be germane for consideration in many of these cases. When the matter was taken up for hearing on the basis of a status paper

from 1.7.95 and to consider him for absorption in regular establishment in his turn granting him temporary status and regularisation in accordance with the scheme.

3. The respondents in their reply statement contend that the applicant was engaged as a contract worker, that he has not worked for more than 170 days in any year and that as the payment was made to him commensurate with the quantum of work, he is not entitled to be treated as a casual labourer. They further contend that the Hon'ble Supreme Court has held that the Department of Telecom is not an industry, the provisions of the I.D. Act is not applicable to the facts of the case. They contend that as the applicant is only a contract worker, the application is liable to be dismissed.

4. The applicant has—~~noting~~ the argument of the respondents in the reply statement that he was a contract worker, that he was not engaged on daily wages and that he had in no year worked for more than 170 days—produced the copies of A.C.G. 17 bills showing the details of his engagement. The Bench by order dated 16.12.97 had directed the respondents to react to what is contained in A.C.G. 17, as also to produce document if any which would show that the applicant was engaged in terms of a contract. The respondents despite several adjournments given in this regard did not file any statement nor did they produce any deed of contract. The learned counsel appearing for the respondents stated that no such contract as executed by the applicant was available. We have perused the pleadings and other material available on record as also the copies of

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not adverted to either by the counsel in their arguments or by the Bench. It is now seen that for the proper disposal of the issues involved in the various cases, it is necessary that respondents should file reply statements or produce documents for contesting the individual applications. That in view of the matter, we find it impracticable to have a common disposal of these applications. O.A.Nos.1080/95 and 492/97 in which the pleadings are complete, will be disposed of now. The other O.As will be taken taken up individually and appropriate orders made.

2. In this application, the applicant who claims to have been employed under the first respondent's office with effect from 1.1.91 continuously with intermittent breaks, is aggrieved by the abrupt termination of his services with effect from 1.7.1995 verbally, without issuing a notice, and without following the mandatory provisions contained in Chapter V-A of the I.D.Act as also against the instructions contained in the order dated 1.10.1984 of the D.G, P&T, New Delhi. It is alleged in the application that in the year 1991 the applicant had been employed for 244 days, in 1992 for 291 days, in 1993 for 258 days, in 1994 for 294 days and in 1995 for 71 and 64 days. As the applicant claims to have completed 240 days of service in all these years, termination of his services without notice and without paying retrenchment compensation, being in violation of the mandatory provisions of Chapter V-A of the I.D.Act, and as the applicant has not been paid the due wages, the applicant prays that it may be declared that the termination of his services with effect from 1.7.1995 is violative of the provisions of Chapter V-A of the I.D.Act, and the respondents be directed to reinstate the applicant in service with effect

labourer, but only on contract basis, payments being made commensurate with the work entrusted. The applicant has produced the copies of A.C.G.17 vouchers along with M.A.No.175/98. It is evident from the document that the applicant was engaged on daily wages continuously, that his first engagement was on 1.1.1991 and that upto and inclusive of the year 1994 he had been continuously engaged for more than 240 days in each year. Though sufficient time was given to the learned counsel for the respondents to produce evidence to show that the applicant was engaged on contract basis making payment commensurate with the work entrusted, and not as a daily-rated casual labourer, the respondents could not produce any evidence. The respondents did not file any reply statement disputing the authenticity of the copies of A.C.G. 17 vouchers produced by the applicant. Whether on muster roll or on A.C.G.17, if engagement is made on a daily rated-basis, the engagement is as a casual labourer and not as a piece-rate contract labourer. On the basis of the evidence available on record and in view of the failure on the part of the respondents to rebut the evidence produced by the applicant, we are convinced that the engagement of the applicant was not as a contract worker but was as a daily rated casual labourer during the period in question.

(b) As observed by us in the preceding paragraph, the copies of the A.C.G.17 vouchers produced by the applicant in unambiguous terms prove that in all the years from 1.1.91 till he was discharged abruptly with effect from 1.7.95, the applicant had been working far more than 240 days in a year. The case of the respondents therefore that in no year the applicant had worked for 170 days is found to be not true.

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A.C.G.17 vouchers produced by the applicant along with M.A.No.175/98 and heard the learned counsel appearing for the parties at considerable length.

5. The questions that arise for consideration for a proper adjudication of the issues involved in this application are:

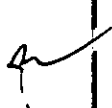
- (a) Whether the engagement of the applicant till 1.7.95 had been as a daily-rated casual labourer or as a contract worker.
- (b) Whether the applicant has completed more than 240 days of service in any year.
- (c) Whether the verbal termination of the service of the applicant with effect from 1.7.95 is illegal in view of the provisions in Chapter V-A of the I.D.Act, 1947, and in view of the orders of the D.G., P&T dated 1.10.84.
- (d) Whether the applicant is entitled to the grant of temporary status and regularisation in accordance with the scheme for grant of temporary status and regularisation brought into effect from 7.11.89. *89.11.89*
- (e) What relief, if any, the applicant is entitled to.

6. We shall now take up for consideration the above points in seriatum:

- (a) The applicant has averred in this application that he has been working from 1991 onwards as a casual labourer on daily wages. The respondents, on the other hand, have contended that the applicant was engaged only with effect from 1.1.92, that he had in no year worked for more than 170 days and that he was not engaged as a daily rated casual

Learned counsel of the respondents argued that it has been held by the Hon'ble Supreme Court in AIR 1997 SC 2817 that the Telecom Department is not an industry. However in a later case, General Manager, Telecom vs. S. Srinivasa Rao and others, AIR 1998 SC 656, it has been conclusively held that the Telecom Department is an industry overruling the earlier view. Therefore the applicant, having been working as a daily-rated casual labourer, and having rendered more than 240 days a year right from the year 1991, the termination of his services without notice and without payment of compensation as required under Section 25F of the I.D. Act is illegal, unjustified and therefore void.

(e) The applicant has claimed that he is entitled to be granted temporary status and regularisation in accordance with the scheme brought into effect from 1.10.89 by the D.G., Telecom letter No. 269-10/89-STN dated 7.11.89 (Annexure A3). Learned counsel of the respondents argued that as the scheme was evolved for the purpose of granting temporary status and regularisation of the casual labourers employed by the Telecom Department and currently working on 1.10.89, the applicant who was engaged for the first time even according to him on 1.1.91 is not entitled to the benefit of the scheme. Learned counsel of the applicant on the other hand argued that the scheme is a continuing one and all casual labourers who come under the employment of the Telecom Department even after the date of commencement of the scheme are entitled to the benefit of temporary status on completion of 240 days of service and for regularisation on Group D posts in their turn in accordance with the scheme. To ascertain whether the scheme is a continuous one or one evolved for the grant of the benefit of temporary status and regularisation to casual labourers who were already in employment on 1.10.89, it is necessary to carefully examine



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(c) Annexure A1 is a copy of the letter of D.G., P&T No. 269/130/78-STN dated 1.10.1984 which reads as follows:

" In order to implement certain judgments in respect of Casual Mazdoors, the question of issuing notice of one month or payment of wages in lieu thereof to Casual Mazdoors whose services are terminated by the Department has been engaging the attention of this Directorate for sometime past. It has now been decided that such of the Casual Mazdoors who serve the Department for at least a total period of 240 days in a year and whose services are proposed to be terminated by the Department shall be served a notice of one month before termination of their service and one month wages in lieu thereof be paid to them.


2. The above orders take effect from the date of issue."

The respondents in their reply statement did not dispute that D.G. has issued the Annexure A1 letter, but they contend that the direction in the letter is not applicable to the applicant as he was not a casual labourer, but only a contract worker. This contention has been rejected by us as observed in the preceding paragraph. Therefore the termination of the service of the applicant with effect from 1.7.95 without issuing a notice as mentioned in the letter dated 1.10.1985 of the D.G., P&T, is undoubtedly in contravention of the instructions contained in the letter.

(d) As the applicant has been serving for more than 240 days in a year, the termination of his services without notice and payment of retrenchment compensation is in violation of the provisions contained in Section 25F of the I.D. Act.

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provisions of the scheme it is idle to contend that the scheme is a continuing one and not a special dispensation intended to/benefit the casual labourers who were in employment on 1.10.89. Learned counsel of the applicant invited our attention to the ruling of the Supreme Court in Ram Gopal and others vs. Union of India & others, Writ Petition (c) No.1280 of 1989 wherein a direction was given to the Telecom Department to prepare a scheme on a rational basis for absorption of the casual labourers who have been continuously working for more than one year in the Posts and Telegraphs Department within 6 months from the date of the order. Learned counsel stated that the applicants before the Supreme Court were also similarly situated like the applicants. He also brought to our notice the letter of the Government of India, Department of Posts No.66-52/92-SPB-1 dated 1.11.1995 whereby pursuant to the judgment of the Central Administrative Tribunal, Ernakulam Bench in O.A.No.750 of 1994, it was decided that full-time casual labourers recruited after 29.11.1989 and upto 10.9.1993 were also to be considered for the grant of the benefit of temporary status under a scheme brought into effect in the Department of Posts. As the Department of Posts and Department of Telecom were earlier one Department and the scheme for temporary status and regularisation was evolved pursuant to the ruling of the Supreme Court in Daily Rated Casual Labour employed under P&T Department vs. Union of India, AIR 1997 SC 2342, it is necessary that the Telecom Department should also extend the benefit of the scheme to the casual labourers recruited upto 10.9.1993, argued the counsel. He also stated that considering the fact that the Department of Telecom is going



the provisions of the scheme. Sub-paragraph A of paragraph 4 of the scheme reads as follows:

"A) Vacancies in the Group 'D' Cadres in various offices of the Department of Telecommunications would be exclusively filled by regularisation of casual labourers and no outsiders would be appointed to the cadre except in the case of appointments on compassionate grounds, till the absorption of all existing casual labourers fulfilling the eligibility conditions including the educational qualifications prescribed in the relevant Recruitment Rules."

(emphasis supplied)
The above excerpt from the scheme would indicate that the scheme was intended to benefit the casual labourer who were in existence on the date on which the scheme was brought into effect because the filling up of the vacancies in Group D cadre in various Departments of Telecom by any other method than regularisation of the casual labourer with an exception of compassionate appointment has been prohibited till absorption of all existing casual labourers was complete. Sub paragraph 1 of paragraph 5 reads as follows:

"i) Temporary status would be conferred on all the casual labourers currently employed and who have rendered a continuous service of at least one year, out of which they must have been engaged on work for a period of 240 days (206 days in the case of offices observing five day week). Such casual labourers will be designated as Temporary Mazdoor."

(emphasis supplied)

The use of the words "currently employed" also makes it evident that the intention was to confer temporary status on casual labourers who were in employment on 1.10.89. In the light of these two

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is entitled to have the termination of service set aside as illegal and unjust. As the applicant has already been reengaged and is continuing in employment pursuant to the interim order of the Tribunal dated 12.9.95 we are of the considered view that the interest of justice will be met if the respondents are directed to continue him in casual service so long as work is available and that if retrenchment happens to be necessary, it shall be done solely in accordance with the provisions contained in the I.D.Act. Regarding the grant of temporary status and regularisation as the applicant was not currently employed as on 1.10.89 when the existing scheme for grant of temporary status and regularisation to the casual labourers of the Telecom Department was brought into force, the applicant will not be entitled to the benefit of the scheme. Considering the fact that despite orders to the contrary issued periodically by the D.G., the lower formations in the department are going on engaging casual labourers, we are of the considered view that the Government should consider the desirability of extending the benefit of the existing scheme to casual labourers engaged beyond 1.10.1989 also, as was done in the Postal Department by letter of D.G., Posts dated 1.11.1995.

7. In the result, in the light of what is stated above, the application is allowed. The termination of the services of the applicant with effect from 1.7.95 is declared as null and void. As the applicant has already been reinstated in service, the respondents are directed to continue him as casual labourer as long as work is available and if retrenchment of the service of the applicant happens to be necessary, to do so strictly in accordance with the provisions contained in Chapter V-A

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on engaging casual labourer despite the repeated instructions issued by the Director General from time to time to stop the practice, it can be seen that it is difficult to do away the system of casual labourer in the nature of activities of the Department and that therefore it is necessary that, like the Railways, the Department of Telecom should frame rules for grant of temporary status and regularisation of casual labourer as a continuous and permanent measure. The argument sounds attractive and reasonable, but the scheme which is in existence undoubtedly is a special dispensation to benefit the casual labourers who were currently employed as on 1.10.89. Those who commenced casual service thereafter do not come within the ambit of the scheme. Taking into account of the fact that despite repeated instructions by the D.G., Posts and D.G., Telecom to dispense with the system of engaging casual labour in practice over a period of time, it has been found practically impossible to abandon the system, we are of the considered view that it is high time for the Govt. to consider the desirability of making some scheme or framing rules for grant of temporary status and regularisation to casual labourer who were engaged and continued for a long time or extending the benefit of the existing scheme to the casual labourers who were engaged after 1.10.1989, as was done in the case of the Postal Department. We leave it to the Government to take an appropriate decision in this matter.

f) In view of the finding that the Telecom Department is an industry and the termination of service of the applicant with effect from 1.7.95 was in violation of the provisions of Section 25 F of the I.D. Act, the applicant

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of the I.D.Act. The claim of the applicant for temporary status and regularisation is not granted as the scheme, as it stands, does not apply to casual labourers who were not currently employed on 1.10.89. However, the respondents are directed to consider the desirability of extending the benefit of the scheme to casual labourers who were recruited after 1.10.89 also, as was done by the D.G., Posts in the Postal Department or to consider the formation of a scheme for grant of temporary status and regularisation as in the case of Railways, if the requirement of engagement of casual labourer cannot be dispensed with taking into account the nature of the activities of the Department in the light of the fact that despite instructions to stop the practice of engagement of casual labourers, the system is continuing even now. There is no order as to costs.

प्रमाणित प्रति
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न्यायालय अधिकारी/द्वय रजिस्ट्रार (न्यायिक)
Court Officer/Dy, Registrar
केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
हैदराबाद न्यायपीठ
HYDERABAD BENCH

V Rajeshwar Rao

CA 1280/88
20-4-88
6-5-88

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and the applicant-3 was engaged as Attender/Messenger/office boy from 29-6-92 ~~at~~ on hourly wage basis at Telecom Centre, Maharani-pet, Visakhapatnam. Applicant-3 was later on transferred to Akkayyapalem, Telegraph Office.

3. Part time engagement of the first applicant did not continue after August, 95. Likewise engagement of Applicant -2 did not continue after August 95. Applicant-3 however, was disengaged on 19-6-1993.

4. On 31-7-95 the office of the Chief General Manager, Telecom, AP Circle, issued an office circular instructing the various offices of Telecom Department that engagement of Part-time/Individual Contract labours/Casual labours on any pretext whatsoever was irregular after 22-6-1988 and should not be resorted to and the irregular employment already made should be dispensed with immediately. It appears that in view of these instructions Applicants 1 and 2 have not been further engaged.

✓ 5. The applicants in this OA challenged the above mentioned circular dated 31-7-1995 on the ground that it is arbitrary, illegal and void. They pray that therefore the respondents may be directed to engage them as part-time casual employees. The Circular dated 31-7-95 is based upon the instructions and provisions contained in DCT letter No.270/6/84 Stn. dated 30-3-85 and 269-4/93-Stn.II dated ✓ 17-12-1993 (Related ⁱⁿ to the cut-off dates - 30-3-85 and ✓ 22-8-85). The circular shows ^{that} despite these instructions parttime engagement of casual labour ^{that} was being resorted to and therefore a serious view of ^{that} irregularity has been ✓ taken and the officers resorting to ~~these~~ practice have been ✓ warned that in such cases sole responsibility will lie personally on them in the event of any decisions happened to be given by the Tribunal in favour of such irregularly employed labours.

M. S. L.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH

AT HYDERABAD

CA.230/96

dated : 26 June, 96

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Between

1. B. Suri
 2. K. Narasimham
 3. Chandaka Appa Rao
- : Applicants

and

1. The Chief General Manager
Telecommunications, AP Circle
Doorsanchar Bhavan
Nampalli Station Road
Hyderabad-1
 2. The Director (Telegraph Traffic)
Doorsanchar Bhavan
Nampalli Station Road
Hyderabad 1
 3. General Manager
Telecom District, Dhaba Gardens
Visakhapatnam 20
- : Respondents

Counsel for the applicants : M.P. Chandra Mauli
Advocate

Counsel for the respondents : V. Rajeswara Rao
SC for Central Govt.

CORAM.

HON. MR. JUSTICE M.G. CHAUDHARI, VICE CHAIRMAN

HON. MR. H. RAJENDRA PRASAD, MEMBER (ADMN.)

Judgement

Oral Order (per Hon. Mr. Justice M.G. Chaudhari, VC)

Heard Mr. Chandra Mauli for the applicants. Heard
Mr. Rajeswara Rao for the respondents.

2. The first applicant was engaged as water boy and
sweeper in the office of Respondent - 3 on 13-1-93 as
part-time employee on remuneration of Rs.3.60 per hour for
eight hours a day. Similarly Applicant-2 was engaged on
24-4-1994 as watchman and sweeper on hourly rate of wages.

9. As far as the applicant-3 is concerned he was
✓ disengaged on 19-6-1993. Circular dated 31-7-1995,
therefore can have no relevance to this case. He has
also not challenged the action of disengaging him in
1993 nor not engaging him thereafter. The question of
engaging him now is squarely covered by the circular and
no relief therefore can be granted to him.
10. For the foregoing reasons the OA is dismissed. No
order as to costs.

प्रमाणित प्रति
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[Signature]
5/2/96

न्यायाधीश
COURT OFFICER
केन्द्र न्यायाधीश निकाय
Central & Administrative Tribunal
हैदराबाद बेंच
HYDERABAD BENCH

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[Signature]
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6. It is contended by the learned counsel for the applicants that the instructions are discriminatory and also unreasonable as ~~such~~ ^{despite} no contractors are coming forward ^{being} and ~~dispute~~ the work if available. It is unjust to deny employment to the workers who are willing to work on small remuneration and they need not be left without any employment. ~~Wherever~~ ^{however} we cannot go into the question of validity of the instructions because instruction dated 31-7-1995 are based upon the DCT letters, first of which was issued on 30-11-1985. ^{Besides that} ~~But the said~~ instructions are not subject matters of ^{the OA} ~~instructions~~ nor Government of India through its Telecommunications Department, is party to this OA.

7. We also cannot, although we may have desired to ~~do so~~, direct any employment even till a contract is assigned because of the ^{tenor} ~~tenure~~ of the circular dated 31-7-1995. Any such direction given will be violative of ^{the} ~~all~~ clear instructions of ^{the} ~~A~~ Department and its policy and it is not possible to direct the Departments to disregard the policy framed by the competent authority. Moreover the circular in question shows that it is intended to replace the casual labours by an agency after calling for competent quotations for tenders and then ^{awarding} ~~avoid~~ contract. Such policy ~~is not reasonable~~ ^{cannot be said to be unreasonable}.

8. Mr. Rajeswara Rao for the respondents submitted that in so far as the offices where the applicant 1 and 2 were working contract, have already been ^{awarded} ~~awarded~~. Thus, there is no scope for the ~~said~~ applicants being engaged. Although, therefore, we are sympathetic to the predicament of the applicants, we are unable to grant any relief to them as ^{none is} ~~is known~~ as capable of being granted legally.

ORDER

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

None for the applicants. Heard Mr.N.R.Devaraj, learned counsel for the respondents.

2. There are 15 applicants in this OA. They stated that they were engaged as Casual Labourers from 2nd February, 1988. Annexure-I shows that the date ~~at~~ from which they are working and the place of working. In this Annexure only applicant No.15 is working from 1988 onwards whereas others from the date much later than 1988. The applicants submit that they are Casual Labourers and hence they should be engaged in terms of the letter No.269-10/89-STN, dated 7-11-89 (Annexure-II) treating them as Casual Labourers. The issue of the letter No.TA/TFC/20-1/92/PT/KW dt. 31-7-95 (Annexure-III) has ~~not~~ relevance in the challenge issue of the letter.

3. This OA is filed praying for a direction to the respondents herein to grant Temporary Status and Regularisation of their services by extending the Casual Labourers (Grant of Temporary Status and Regularisation) Scheme, 1989 to them by declaring the letter No.TA/TFC/20-1/92/PT/KW/16 dt. 31-7-95 as illegal, arbitrary and unconstitutional and to set aside the same and to grant them all consequential benefits such as arrears of pay and allowances, seniority promotions etc.

4. A reply has been filed in this OA. The main thrust of the reply is that the recruitment of part time officials was banned from 31-3-85 and by the impugned letter No.TA/TFC/20-1/92/PT/KW/16 dt. 31-7-95 it was decided to get the part time job viz., sweeping, fetching water and farashing etc. at Telegraph offices done through contract agencies by calling quotations. It was also

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

C.A. 559/96.

Dt. of Decision : 10-12-97.

1. S. Sivanendram
2. T. Lakshminarayana
3. Guduru Dastagiri
4. Paraya Venkata Rama Subbalaiah
5. Pachangam Naga Raj
6. Pendly Srinivasulu
7. Peddabaluguri Thirupathi
8. Dasetty Chandrasekhar
9. Addakula Appanna
10. Jestadi Livingstonpanthul
11. Shaik Babafajuruddin
12. Lingala Ramana Reddy
13. Pula Nagamanamma
14. G.C. Reddappa Reddy
15. P. James Babu



.. Applicants.

Vs

1. The Telecom Commission,
Rep. by Chairman,
Telecommunications,
New Delhi.
2. The Director General,
Telecommunications, New Delhi.
3. The Chief General Manager,
Telecommunications, AP Circle,
Abids, Hyderabad.
4. The Dy. General Manager (Admn.)
O/o the CGMT, Telecommunications,
A.P. Circle, Abids, Hyderabad.
5. The Telecom Dist. Manager,
Dept. of Telecommunications,
Cuddapah.

10/12/97
Date/Date.....

.. Respondents.

Counsel for the applicants : Mr. V. Venkateswara Rao
Counsel for the respondents : Mr. N. R. Devaraj, Sr. CGSC.

CORAM:

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

A-Call

Talked to
C.A.M.

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ADG (STN)
ADG (Legal)

9/1/98

challenged the above mentioned circular dt. 31-7-95 on the ground that it is illegal and void. They therefore prayed that the respondents may be directed to engage them as casual employees/^{and} grant them temporary status and regularise them in their turn. ~~XXXXXXXXXX~~

7. I have read this judgement of this Tribunal in O.A. 230/96 delivered on 26-6-96. The prayer in that OA is also similar to the prayer in this OA. In that OA also the letter dated 31-7-95 was challenged on the same ground and also relief was asked for in that OA to take applicants in that OA ~~regularly~~ regularly as casual labourers. The judgement in OA.230/96 clearly analysed the various reasons for not setting aside the letter dated 31-7-95 and also reasons have been incorporated for not granting the relief as prayed for in that OA. As the applicants in this OA are similarly placed/^{as} the applicant in OA.230/96 and the prayer and contentions also similar I rely on the judgement for reasons stated therein. I do not see any reason to differ from the judgement in OA.230/96.

8. In view of that is stated above this OA is also liable to be dismissed. Accordingly, it is dismissed. No costs.

प्रमाणित प्रति
CERTIFIED TO BE TRUE COPY

[Signature]
न्यायालय अधिकारी/द्वय रजिस्ट्रार (न्यायिक)
Court Officer/Dy. Registrar
केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
हैदराबाद ब्याच
HYDERABAD BENCH

केस संख्या	CASE NUMBER	OA.559/96
निर्णय का तारीख	Date of Judgment	10/12/97
कॉपी तैयार की गई तिथि	Copy Made On	17/12/97
<i>[Signature]</i> न्यायालय अधिकारी/द्वय रजिस्ट्रार (न्यायिक) Court Officer/Dy. Registrar (J)		

SV

further decided to dispense with all the part time employee/ casual mazdoors who were engaged for the above works. Accordingly, the work viz., sweeping, fetching water, farashing and delivery of telegrams at Telegraph offices/Telecom Centres at Cuddapah, Proddutur and Rajampet was being got done through contract agencies and paid on AOG 17 and vouchers are countersigned by the competent authority. It is also stated that the applicants herein belong to Cuddapah SSA and they were engaged in Telegraph offices and Telecom Centres through contract agencies. Hence the scheme for regularisation and grant of temporary status does not apply to the applicants herein as they are engaged through contract agencies. The respondents also relying on the judgement of this Tribunal in OA.230/96 dated 26-06-96 to state that the said OA is an identical one and similar relief was prayed in that OA and that relief was rejected. Hence they submit that this OA is also liable to be rejected.

5. The applicants in this OA has not filed any rejoinder. There is no record enclosed to the OA to show that they were engaged as a departmental casual labourers in the said Telegraph Office. Hence it has to be held that the statement of the respondents that they were engaged through contractors has to be accepted.

6. On 31-7-95 a circular was issued instructing various offices of the Telecom department ^{that} for engagement of part-time/ individual ^{Contract} labourers/Casual Labourers, on any pretext whatsoever, after 22-6-88 ^{was irregular} and should not have resorted to such indiscriminate and irregular employment already made should be dispensed with immediately. It appears that in view of these instructions the services of the applicants were not considered for grant of temporary status and regularisation in accordance with the scheme referred to above. The applicants in this OA

ORDER

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

1. Heard Sri C. Suryanarayana, learned counsel for the applicants and Sri N.R. Devaraj, the learned standing counsel for the Respondents.

2. This is an application under Section 19 of the Administrative Tribunals Act. The application is filed on 31.3.1997.

3. The applicants herein were working as casual labourers in the Telecommunications Department, Hyderabad. They were retrenched from their work. Then the applicants had filed applications before this Tribunal in OA 851 to 863 and 867 of 1993. The said OAs were decided on 31.3.1995. This Tribunal in the said O.As gave the following directions to the Respondents as under:-

" In the result, the application is disposed of with a direction to the respondents to include the name of the applicant at an appropriate place commensurate with the length of his service in the list of casual mazdoors kept under the fourth respondent and to re-engage the applicant as and when work becomes available anywhere in the division in preference to casual mazdoors with lesser length of casual service than the applicant.

4. The Respondents invited tenders for house-keeping cleaning of compound, etc. cleaning of engines, battery, power plant etc. at the office of the DM, STSR, Hyderabad (Annexure-8).

5. Being aggrieved by the said invitation of tenders, the applicants have filed this OA for the following reliefs:-

" To call for the records relating to the impugned order No.GMM/STR BG/STE-18/95-97/13, dated 17.7.76 read with the 2nd respondent's ten' notice

O.A. No. 382 of 1997

Date of Decision: 26-1-1997

52

Between:

1. R. Narasimhulu
2. A. Rajamouli,
3. C.S. Samuel Moses,
4. N. Rambabu
5. P.S.N.V. Phani Prasad,
6. Sk. Ismail,
7. S. Rajender,
8. L.T.B. Srinivas,
9. T. Mohan,
10. K. Ramanaiah,
11. B. Prakash
12. S.A. Khaleel,
13. P.V. Subbaiah,
14. PMV Ramana Reddy



.. Applicants

AND

1. Divisional Engineer, Telecom,
Microwave Maintenance,
3rd Floor, Telephone Bhavan,
Saifabad, Hyderabad.
2. ✓ The Director, Maintenance, STSR,
No.6-1-85/18, 2nd Floor, Sai Nilayam,
Saifabad, Hyderabad-500 004.
3. The General Manager, Maintenance,
STR, Infantry Road, Grace Mansion,
Bangalore - 560 001;
4. The General Manager, Telecom
District, Suryalok Complex;
Hyderabad - 500 033
5. The Telecom District Manager,
Sanga Reddy - 502 050;
6. The Chief General Manager,
Telecom, AP Circle,
Hyderabad-500 001;
7. Union of India rep. by
the Director-General, Telecom,
Sanchar Bhavan,
New Delhi - 110 001

.. Respondents

Counsel for the Applicants: Mr. C. Suryanarayana

Counsel for the Respondents: Mr. N.R. Devaraj

CORAM:

THE HON'BLE SRI H. RAJENDRA PRASAD: MEMBER (ADMN.)

THE HON'BLE SRI B.S. JAI PARAMESHWAR: MEMBER (AUDL.)

7. The Respondents have filed their counter stating that the applicants could not be re-engaged because of the existence of ban for re-engagement of Casual Labourers that the applicants were terminated after observing the usual formalities and were paid compensation in lieu of a month's notice that the Respondents are not de-barred from entering into contract on a comprehensive basis that the regular employees who were discharging the work specified in the tender were promoted as phone mechanics that then the department proposed to extract the work through tender on a comprehensive basis, that since there was ban on the recruitment of casual labourers the question of appointing the applicants as casual Mazdoors does not arise and that inviting tender on comprehensive basis cannot be regarded as violative of directions given by this Tribunal.

8. The learned counsel during the course of his arguments contended that actually ban is not at all in existence that the work specified in the tender could be extracted from the applicants by re-engaging them in accordance with the directions of this Tribunal that when the Respondents have maintained the live register of retrenched casual mazdoors and when there is work it was not justified for the respondents to invite tenders for similar works that the Respondents have not maintained the live Register on the basis of the Seniority that the tender invited is illegal that the applicants are eligible to be reinstated and continued in service.

As against this, the learned counsel for the respondents mainly contended that they were compelled to invite tender since there was ban for re-engagement of casual mazdoors and that the applicants were paid compensation at the time of their termination and at the present existing circumstances they cannot be re-employed.

(Annexures A-3 and A-8 respectively) and to quash the same with consequential directions to re-engage 53 the applicants as directed by this Hon'ble Tribunal besides declaring that it is illegal, unwholesome and also unfair labour practice in terms of item 5(a) and (b) and also item 6 of Part I of the Fifth Schedule to the Industrial Disputes Act, 1947 to engage casual labour and to take action against the Respondent-authorities not only for violating the directions of the Hon'ble Tribunal but also for indulging in unfair labour practice and consequently to award exemplary costs to the applicants besides directing the re-engagement and continuance of their services in preference to contract labour or outsiders or their juniors with less number of days of service than any of the applicants herein.

Their main contention is that the work sought to be entrusted through the tender is violative of the prohibitory order in Annexure-I (Notification No. U-23013(7)/76-LW, dated 8/9.12.1976. It has been held to be valid vide para-29 of the judgment of the Hon'ble Apex Court in the case of "Air India Statutory Corporation Vs. United Labour Union" reported in AIR 1997 Supreme Court 645 that the action of the Respondents in inviting the tender is violative of Section 25-H of the Industrial Disputes Act and the directions given by this Tribunal (Extracted above) that inviting the tender is also violative of letter Dt. 7.2.86 (Annexure-9) and ^{that} the engagement of contract labour even when workers could be employed directly according to the text laid down in Sec. 10(s) of the Contract Labour (Regulation & Abolition) Act, 1970) is an unfair labour practice as it was held in the case of "Gujarat Electricity Board Vs Mazdoor Sabha, (1995 Supreme Court Cases (L&S) 1166.

in OA 230/96.

14. Therefore in our humble view, we cannot interfere with the policy of the Department in inviting tender for the works specified in Annexure-8.

15. The other contention of the applicants is that the Department has not maintained the live register seniority wise. We feel that the Respondents are expected to maintain the live Register of retrenched casual mazdoors seniority wise and the same is necessary to adhere to for re-engagement, in case, the ban is lifted. Therefore we feel it proper to direct the Respondents to maintain the live register of the retrenched casual mazdoors, seniority wise and upto date.

16. The Respondents may consider the case of the applicant for reengagement when the ban is lifted. We have no doubt in our mind that the Respondents will consider the case of the applicants as per the rules in force for purposes of reengagement and their regularisation after the ban is lifted.

17. We are not persuaded to hold ^{that} inviting tender is violative of the circular instructions Dtl 7.2.86.

18. In the light of above discussion, we cannot give any relief to the applicants except directing the Respondents to maintain the live register of Retrenched Casual Mazdoor seniority wise and upto date to consider the case for re-engagement of the applicants as per rules when the ban is removed, and when there is work in the Department.

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

प्रमाणित प्रति
CERTIFIED TO BE TRUE COPY

J. Sure
Court Officer/Dy. Registrar
केन्द्रिय प्रशासनिक अदालत
Central Administrative Tribunal
हैदराबाद बेंच
HYDERABAD BENCH

केस नम्बर
CASE NO. 64382/-
दिनांक 26/12/96
26/12/96
30/12/96

10. Annexure-1, notification dated 8/9.12.1976 clearly prohibits employment of contract labour on and from 1.3.1977 for sweeping, cleaning, dusting and washing buildings owned or occupied by the establishments in respect of which appropriate Government under the said Act is the Central Government.

11. The fact that there is a ban for reengagement of casual mazdoor in the Telecommunication Department is admitted. However, the learned counsel for the applicant attempted to contend that ban is not at all in existence. If that was so he should have produced the order lifting the ban imposed as per Annexure A-1. In the absence of any such proof only conclusion is that it is in existence.

12. As regards the Department inviting the tender for certain works the learned counsel for the Respondents relied upon the decision of this Tribunal in OA No.230/96 decided on 26.6.96. In para-7 this Tribunal has observed as follows:-

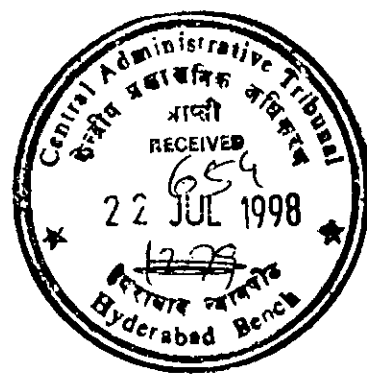
" We also cannot, although we may have desire to do so, direct any employment even till a contract is assigned because of the tenor of the circular dated 31.7.1995. Any such direction given will be violative of the clear instructions of the Department and its policy and it is not possible to direct the Department to disregard the policy framed by the competent authority. Moreover the circular in question shows that it is intended to replace the casual labours by an agency after calling for competent quotations for tenders and then awarding contract. Such policy cannot be said to be unreasonable. "

13. Besides, the learned counsel for the respondents brought to our notice that this Tribunal in similar circumstances upheld the action of the Respondents in inviting tenders by relying upon the observations made above in OA No.599/96 decided on 10.12.1997. The said OA was decided following the decision

In the C.A.T.
Hyd Bench

Ort 1279/97

Reply Statement



Filed by: _____

May 22 1998
1279/97

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH;
AT HYDERABAD

O.A.No.1279 OF 1997.

Date of Order:12-8-1998.

Between:

1. G.Somanna.
2. A.Hanumanthu.
3. R.Hanumanna.
4. A.Ravi.

.. Applicants

a n d

1. The Chairman,
Telecom Commission,
New Delhi.
2. The Director General,
Telecommunications,
New Delhi-110 001.
3. The Chief General Manager,
Telecommunications, A.P.Circle,
Abids, Hyderabad.
4. The Telecom District Manager,
Kurnool.
5. The Superintendent Incharge,
C.T.O.Kurnool-518 001.

.. Respondents

COUNSEL FOR THE APPLICANTS :: Mr.V.Venkateshwara Rao
COUNSEL FOR THE RESPONDENTS :: Mr.N.R.Devaraj

CORAM:

HON 'BLE SRI H.RAJENDRA PRASAD, MEMBER (ADMN)

: O R D E R :

ORAL ORDER (AS PER HON 'BLE SRI H.RAJENDRA PRASAD, MEMBER (A))

Heard Mr.V.Venkateshwara Rao for the applicant
and Mr.W.V.Satyanarayana for the Respondents.

G/
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2. The Applicants were engaged by the Respondents between 17-6-1994 to 2-2-1994. According to the Applicants, they have been working for 8 hours on all days of their engagement and have been asked to perform all the usual works which ^{are} performed by regular departmental Group-'D' employees of the Department, including the work of delivery of telegrams. The Respondents admit this fact but deny that they are employed for 8 hours on any day. Instead, according to the Respondents, the Applicants were engaged in three spells of casual labour duties interspersed by two breaks between those spells.

3. The Applicants pray for a direction to be issued to the respondents to confer temporary status on them followed by regularisation. The Respondents, however, point out that, apart from the fact that they cannot be regarded as casual labours coming under the Scheme, the fact is that they were engaged much after the cut-off date prescribed for the purposes of the Scheme itself. Further-more, it is the case of the Respondents that these persons were engaged as contract labourers. The applicants seriously question this assertion stating that no such contract exists and even if did exist, it is not valid in law as per the relevant Act.

4. Many of the questions raised or answered in this O have been examined in a number of cases in the recent past.

5. We are of the view that the so called contract is not a proper contract but has the appearance of a camouflage for denying them the status of casual labour. Be that as it may, it is quite obviously clear that the Applicants have by now been working from 2 to 8 years and are evidently performing some of the duties which

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are normally required to be performed by regular departmental delivery staff. It is also manifest from this very fact that the nature of the work being performed by them shall continue to be available in future as well.

6. Considering the above facts, it is directed that the Applicants shall continue to be engaged as at present as long as such work, which they were performing in the past, continues to be available. As already stated, an inference is inescapable that such work shall ordinarily be available in future. If for any reason, the Respondents decide to terminate the services of the applicant or to disengage them from work, a proper procedure, as prescribed by the department, shall have to be followed. In this connection, it needs to be added that the orders issued by the Superintendent, C.T.O., Kurnool, (vide Annexure.6 page.22 to the OA) are incorrect, impermissible and not proper as per the instructions of the Department.

7. The present arrangement shall continue until such time that the department takes an overall view of the prevailing situation and takes a basic decision as regards the treatment of workers who were engaged after 22-6-1988 for the purpose of extending, or not extending, the benefits of the Scheme. The plight of persons who are stated to be working on contract basis, and who do not fulfill the conditions of contract labour as understood in law, may, also have ^{the interests of such persons shall have to be} to be examined in depth and protected suitably.

8. If it becomes necessary at all to dispense with the services of the Applicants, after following the procedures, the right course of action would then be to enter their names, after ^a valid and lawful retrenchment,

8/12/88

in a live register in order of their seniority in terms of the date of their retrenchment, and to provide them engagement whenever and as often as work is available, in their turn.

9. Thus the OA is disposed of. No costs.


(H. RAJENDRA PRASAD)

MEMBER (ADMN)

Dated: this the 12th day of August, 1998

Dictated to steno in the Open Court

DSN

Pr. Rajendra Prasad
Deputy Registrar

O.A.1279/98.

To

1. The Chairman, Telecom Commission,
New Delhi.

2. The Director General,
Telecommunications, New Delhi-1.

3. The Chief General Manager,
Telecommunications, A.P.Circle,
Abids, Hyderabad.

4. The Telecom District Manager,
Kurnool.

5. One copy to Superintendent Incharge,
CTO Kurnool-1.

6. One copy to Mr.V.Venkateswar Rao, Advocate, CAT.Hyd.

7. One copy to Mr.N.R.Devraj, Sr.CGSC. CAT.Hyd.

8. One copy to HHRP.M.(A) CAT.Hyd.

9. One copy to DR(A) CAT.Hyd.

10. One spare copy.

pvm.

24/8/98

I COURT

TYPED BY

CHECKED BY

COMPARED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR. JUSTICE

AND VICE-CHAIRMAN

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

DATED: 12-8-1998.

ORDER/JUDGMENT

M.A./R.A./C.A.No.

in

O.A.No.

1279/97.

T.A.No.

(w.p.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions

Dismissed.

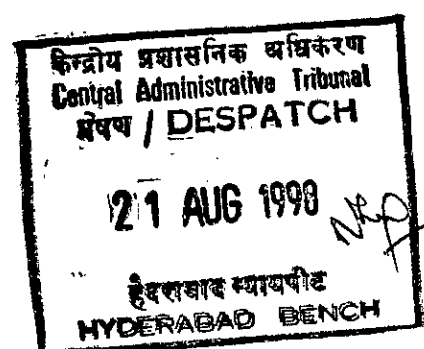
Dismissed as withdrawn.

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

pvm.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

M.A.NO. 928 OF 1997

IN

O.A.NO. 3090 OF 1997

Between:

1. D. Mallikarjuna Rao, S/o. D. Venkateswarlu, aged about 22 years, Occ: Casual Labourer, Banaganipalli, T.C., R/o. Kurnool
2. G. Somanna, S/o. G. Hanumanthu, aged about 22 years, Occ: Casual Labourer, SAP Camp, Telecom Centre, Kurnool, R/o. Kurnool
3. A. Hanumanthu, S/o. Devasayam, aged about 32 years, Occ: Casual Labourer, T.C. Collectorate, Kurnool, R/o. Kurnool
4. R. Hanumama, S/o. R. Sanganna, aged about 21 years, Occ: Casual Labourer, T.C. GPR Engg. College, Kurnool, R/o. Kurnool .. Petitioners/ Applicants
5. A. Ravi, S/o. Brahmaiah, aged 25 years, Occ: C/l. T.C. Kodumur, Kurnool Dist. .. Respondents/ Respondents
- And

1. The Chairman, Telecom Commission, New Delhi
2. The Director General, Telecommunications, New Delhi . 110 001.
3. The Chief General Manager, Telecommunications, A.P. Circle, Abids, Hyderabad
4. The Telecom District Manager, Kurnool

MISCELLANEOUS APPLICATION FILED UNDER RULE 4(5)(A)
OF CENTRAL ADMINISTRATIVE TRIBUNAL PROCEDURE
RULES, 1987

The applicants herein have filed the above O.A seeking the similar relief, i.e., to direct the respondents to grant Temporary Status and Regularisation of the service of the applicants

by extending the Casual Labourers (Grant of Temporary Status and Regularisation) Scheme, 1989 with all consequential benefits on similar and identical grounds. They are similarly situated. Relief prayed by them is also similar.

Hence, the applicants pray that this Hon'ble Tribunal may be pleased to permit them to file single O.A for the relief prayed for by them and pass any other order or orders as is deemed fit, proper, necessary and expedient in the circumstances of the case.

VERIFICATION

We, 1) ~~D. Mallikarjuna Rao~~, 2) G. Somanna, 3) A. Hanumanthu and 4) R. Hanumanna, ^{and 5) A. Ravi} the applicants herein do hereby verify that the contents as stated above are true and correct to the best of our knowledge, belief and on information and hence verified on this the day of August, 1997.

Hyderabad,

Dt: -08-97

H. D. Mallikarjuna Rao

G. Somanna

A. Hanumanthu

R. Hanumanna
A. Ravi
Applicants

[Signature]
Counsel for the Applicants

Single O.A. Petn

IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL: HYDERABAD BENCH

M.A. NO. 928 OF 97

IN

O.A. NO. 3090 OF 97

Between:

G. Somanna
D. Mallikarjuna Rao & others .. Petitioners/
Applicants

And

The Chairman .. Respondents/
Telecom Commi- Respondents
ssion & others



MISCELLANEOUS APPLICATION
FILED UNDER RULE 4(5) OF
CENTRAL ADMINISTRATIVE
TRIBUNAL PROCEDURE RULES, 1987

Filed on: -09-1997

Received
By: R. D. Bhat
for N. R. Bhat

M/s. V. Venkatswar Rao
& K. Phaniraju, Adv

Counsel for the App

26

MA 928/97

25.9.97

gnd. co.

Heard Mr. V. Venkateswara Rao for the applicants.

The petitioners are permitted to file a Single O.A. Thus the M.A. is disposed of.

KSM

~~gnd.~~
MHRP
MCA

नूतन/ORIGINAL

दूर संचार TELECOM

एकल सदस्य केस
SINGLE MEMBER CASE

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD.

M.A. NO. 928 OF-1997

IN

O.A. S.No. 3090 OF 1997

SINGLE O.A. PETITION

Mr. V. Venkateswara Rao
COUNSEL FOR THE APPLICANT.

AND

Mr. _____
Sr. ADDL. STANDING COUNSEL FOR
C.G. Rlys.