

FORM NO. 21.

(Sec. Rule 114.)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH. HYDERABAD.

O.A/ ~~12~~ 1295/92 ..... 1998.

Mohd. Zawir Ali Khan Applicant (s)  
Versus

The Station Director,  
Wizamabad.  
Respondent(s)

INDEX SHEET

Serial No.	Description of documents and dates.	Pages.
Docket orders.		1-7
Interim orders		
Orders in M.A (s) 934/92	29.9.92.	1
Reply Statement		
Rejoinder		
ORDERS in(Final orders)	8.7.98.	50-55

Certified that the file is complete  
in all respects.

Signature of Dealing Hand.

(In record section)

Signature of S. O.

021295 PJ

Date

Office Note

ORDER

26.11.97

Two weeks time is  
granted for filing  
counter affidavit (-  
at the request of the  
stating counsel  
for the respondents.  
The interim orders  
passed on 29.9.97  
shall continue.

*[Signature]*  
HHRP  
MCA

SSJ

11.12.97

List it on 17th December, 1997.  
for final hearing. Interim orders to  
continue

*[Signature]*  
HHRP  
MCA

MSM

17.12.97

List it on 8th January, 1998  
at the request of both the counsels. Interim  
order to continue.

*[Signature]*  
HHRP  
MCA

MSM

Central Administrative Tribunal Hyderabad Bench: Hyderabad.

D.A. No. 1295 of 1997.

Mohd. Zameer Ali Khan Applicants(s).

VERSUS.

The Station Director, AIR

Muzamabad Lines.

(Respondents).

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

29/9/97.

MA. 932/97 is disposed of.  
Order vide MA sheet. Register the  
OA.

OA.

Heard Mr. TVVS. Murthy  
for the applicants and Mr. V.  
Vinod Kumar for the respondents.

Notice before Admission.

Reply to be filed within three  
weeks. In the ~~mean~~ meanwhile  
it is directed that the services  
of the applicants shall not be  
terminated until the next  
hearing.

For M/s.  
HHRP  
M(8)

C. C. by today.

i.e., 29/9/97.

NBA  
28/10/97  
3/10/97

Issued  
6/10/97

Recd  
21/10/97

CONFIDENTIAL

[illegible]

*Handwritten:* 091295/77 may be

58-1-38

THH  
M(A)

CA is formally admitted now. The same may be posted next Monday, for final hearing and disposal.

86-2-02

0A	Nb	1295	97
----	----	------	----

24

3/

OA-1295/97

6.1.98

List it on 28.1.98 at the  
request of both the counsel.

V

Q.  
HHRP  
M(A)

28-1-98

Part-heard Mr. T.V.V.S. Murthy and Mr. V. Vinod Kumar.

Mr. Vinod Kumar will seek instructions as to why it is persistently maintained in the counter-affidavit that there is no provision to engage casual labourers in AIR while Annexure R-1 filed by the Respondents themselves clearly indicates that persons can be and are in fact engaged on daily wages on works of irregular casual, seasonal or intermittent nature. It is also seen from para-2 of the Ministry's d.o. letter dated 19-2-1997 that certain information had been gathered in respect of <sup>the</sup> number of such casual employees in the AIR. This would lead to the assumption that the Department is indeed aware of this problem and may <sup>probably</sup> be in the process of evolving a scheme to benefit casual labourers since the very same issue figured at a meeting chaired by the Hon. Minister. Has any progress been made on this?

Mr. Murthy on his part shall spell out clearly the exact nature of work performed by the applicants and the extent of their engagement on each day.

It is known that the Doordarshan and AIR had in the past evolved a scheme to regularise the services of casual artists, etc. Now that there is a reason to believe that casual labourers are engaged regularly in various Stations/ Kendras, are there any plans under contemplation to evolve a similar scheme in respect of casual labourers, in the light of what may have been discussed at the meeting held on 6-1-97 (as seen from the Dy. Secretary, Min. of Information and Broadcasting d.o. dated 9-2-97 already referred to)?

A note is taken of the statement in the counter-affidavit that the respondents have no intention of disengaging the applicants if work is available. It has to be assumed that, as the work has been available for the last several years, the same shall continue to be available to them in the normal course in the foreseeable future as well.

List it on 30-3-1998.

sk

Q.  
HHRP  
M(A)

Date Office Note

ORDER

-2-

by the respondents only on 21-10-1997, Even ~~xxxx~~ though ~~xxxx~~ it is admitted that the Telegram issued in this regard by the applicants Counsel was received on 1-10-1997. It is submitted that <sup>well</sup> <sup>this date</sup> before the applicants had been disengaged, ~~prior to 29th September~~ and the Station Director constrained to engage them as Casual Labourers, the question of these applicants for granting benefits will be finally decided and C.A. would be disposed of.

3. The pleadings are complete, the case may be listed for final hearing on 16-4-1998.

*[Signature]*  
HHRP

M(A)

DSN.

17-4-98

Hear Sri T.V.V.S. Murthy for the applicants and Sri V.Vinod Kumar for the respondents for some time.

List it before this Bench on the next occasion.

*[Signature]*  
HHRP  
M(A)

*[Signature]*  
HHRP  
M(A)

Date Office Note ORDER

7-4-1998

Heard Mr.TVVS.Murthy for the Applicant and Mr.V.Vinod Kumar for the Respondents.

1. It is submitted that the 1st applicant is no longer interested in pressing for the reliefs prayed for. The same is noted. As regards the 4th applicant, it is maintained by the respondents that he was engaged for cutting grass in the premises of the Radio Station. However, according to the Duty Chart issued by the authorities themselves, which is produced by the applicants Counsel together <sup>with</sup> some supporting documents, ~~before~~ <sup>on certain days</sup> the applicant was indeed engaged on Security Guard duties. There are atleast two entries during the relevant period when he had signed <sup>the</sup> transfer-of-charge document which <sup>goes</sup> to confirm this <sup>fact</sup>. Further, it is maintained by the respondents that the applicants <sup>were</sup> not engaged for 8 hours whereas the ~~Duty~~ Chart issued by them shows that they were, infact, ~~are~~ engaged for a duration of 8 hours. These discrepancies <sup>need to</sup> be reconciled satisfactory by the <sup>respondents</sup> ~~applicant~~.

2. It is maintained that the interim orders passed on 29-9-1997 were received

.....2  
pto.

2

O.A. NO. 1295/97

DATE

Office Note

ORDER

27/4/98

This case is to be listed before the Division Bench as already directed on 17/4/98.

J  
HHRP  
M(A)

DSN

None for the parties.  
List this OA tomorrow.

1-7-98

J  
HBSJP  
M(J)

J  
HHRP  
M(A)

3-7-98

List it at 215 PM on Monday ie 6-7-98.

J  
HBSJP  
M(J)

J  
HHRP  
M(A)

6.7.98

List it tomorrow at 2-15 PM

J  
HBSJP  
M(J)

J  
HHRP  
M(A)

8.7.98

OA disposed of order in a separate sheet

HBSJP  
M(J)

HHRP  
M(A)



CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH: BENCH HYDERABAD.

ORTC. - 1295 OF 1997.  
ORIGINAL APPLICATION NO. 1295 OF 1997.

Mohd. Zakir Ali Khan & 3 others  
(Applicants(sS))

VERSUS

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

Station Director: A.I.R.,  
Nizamabad & another  
Respondents(sS(S))

The Application has been submitted to the Tribunal by Shri T. V. V. S. Murthy 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. 26/9/97

[Signature]  
Secretary

[Signature]  
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 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 condonation of delay in filed, it supported by an affidavit of the applicant.
18. Whether it is cause ben heard by a single bench.
19. Any other points.
20. Result of the scrutiny with initial of the scrutiny clerk.

  
Scrutiny Assistant.

Section Officer.

Deputy Registrar.

Registrar.

May be numbered

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD.

Dairy No. 3109

Report in the Scrutiny of Application.

Presented by TVUS Narthy Date of presentation.

Applicant(s) M. Zaki Ali Khan & Co 25/9/97

Respondent(s) Sta. Dir. AIR, Bangalore

Nature of grievance Temp Status

No. of Applicants 4 No. of Respondents 2

CLASSIFICATION.

Subject Temp Status No. (1) Department AIR (NO)

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

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD Bench: HYDERABAD

INDEX SHEET

O.A. NO. 1205 of 1997.

CAUSE TITLE

Mohd. Zameer Ali Khan, vs.

VERSUS

The Station Director,

AIIR Miranabad & as

SL. NO.	Description of documents	Page No.
1.	Original Application	1 — 2
2.	Material Papers	6 — 13
3.	Vakalat	
4.	Objection Sheet	
5.	Spere Copies	- 2 -
6.	Covers	- 2 -

T. Reply statement filed by M.  
V. Vinod Kumar on 5/12/92  
R. Reply statement filed by M. K. Venkatesh  
was Rev on 16/12/92

Reg:- TO declare that the applicants are entitled for grant of Temporary status under casual labourers scheme, 1993 on completion of 1 year service in the CENTRAL ADMINISTRATIVE TRIBUNAL AT :: HYDERABAD in terms of O.A. No. 109.93.

O.A.NO. 1295 OF 1997

Single

Between:-

(1) Temp. Status

Mohd. Zakir Ali Khan and others.

... APPLICANTS

A N D

General

The Station Director, All India Radio, Nizamabad and others.

... RESPONDENTS

(2)

CHRONOLOGICAL EVENTS

S.No.	Particulars	Pg. Nos.
1.	The Applicants were engaged during the years 1992-95.	2.
2.	Grant of temporary status letter was issued on 10.9.1993 by the Respondents	1.

*[Signature]*  
Counsel for the Applicants

Recd  
25/9  
A. N. R. Denny



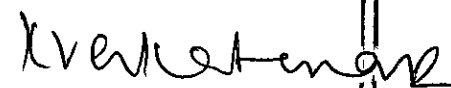
(9)

APPLICATION FILED UNDER SEC.19 OF THE ADMN. TRIBUNAL'S ACT, 1985  
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT :: HYDERABAD

O.A.NO. 1295 OF 1997

I N D E X

S.No.	Description of the Documents	Pg. Nos.	A. Nos.
1.	APPLICATION	1 to 5	
2.	Lr.No.51016/2/90-ESTT(C), dt.10.9.93	6 to 9	1.
3.	Engagement particulars	10 to 13	2.

  
Counsel for the Applicants

OFFICE USE ONLY:

1. Date of Filing :
2. Registration No. :

Signature of the Registrar.

10

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT :: HYDERABAD

O.A.NO. 1295 OF 1997

Between:-

1. Mohd. Zakir Ali Khan, S/o. Mohd. Abbas, Ali Khan, aged about 23 years, Working as Casual Labour (Electrician) in the Office of Station Director, All India Radio, Nizamabad.
2. J. Sekhar, S/o. Posetty, aged about 27 years, Working as Casual Labour in the O/o. Station Director, All India Radio, Nizamabad.
3. K. Posetty, S/o. K. Lakshmaiah, aged about 27 years, Working as Casual Labour in the O/o. the Station Director, All India Radio, Nizamabad.
4. B. Siddi Ramulu, S/o. B. Babulingam, aged about 26 years, Working as Casual Labour in the O/o. the Station Director, All India Radio, Nizamabad.

... APPLICANTS

A N D .

1. The Station Director, All India Radio, Nizamabad.
2. The Director General, All India Radio, New Delhi.

... RESPONDENTS

DETAILS OF THE APPLICATION

1. PARTICULARS OF THE APPLICANTS : Shown as above  
Address for Services : 1. Mr. T.V.V.S. Murthy,  
2. K. Venkateswara Rao,  
Advocates, 2-2-1136/3/1,  
Jayalaxminivas, New  
Nallakunta, Hyderabad. }
2. PARTICULARS OF RESPONDENTS : Shown as above
3. PARTICULARS OF THE ORDER:-
  1. Order No. & Date : O.M.No. 51016/2/90-ESTT(C),  
dated 10.9.1993.
  2. Subject in brief : *Grant of Temporary Status etc.*
4. JURISDICTION:- The O.A. is within the jurisdiction U/s.14 of the Admn. Tribunal's Act, 1985 as the applicants working within the State of Andhra Pradesh.
5. LIMITATION:- The O.A. is within the limitation U/s.21 of the Admn. Tribunal's Act, 1985.
6. FACTS OF THE CASE:-
  - (A) The Applicants are aggrieved by the impugned action of the respondents in not conferring temporary status to them in terms of O.M.No. 51016/2/90-ESTT(C) dated 10.9.1993 issued by

the Department of Personnel and Training even though the applicants have fulfilled all the conditions laid down under the scheme and instead seeking to dispense with the services even though the applicants have been working as Casual Labourers for over two to four years which is illegal, arbitrary, discriminatory and violative of Articles 14 and 16/and 21 of the Constitution and also opposed to all canons of equity, justice and fairplay.

(B) The Applicants submit that the first applicant passed S.Sc. and I.T.I. and was engaged as ~~XXXX~~ casual labour (Electrician) in the O/o. the first respondent with effect from 1.6.1994 the second and third applicants studied upto X Class and were engaged as casual labourers from September, 1993 and fourth applicant passed S.Sc. and was engaged as casual labourer in the month of July, 1995. The Applicants submit that ever since their appointment they have been continuously working without any break to the entire satisfaction of their superiors. The Applicants are working for over 8 hours a day. The Applicants submit that ever since their appointment they have been working for more than 240 days every year.

(C) The grievance of the applicants is that although they have been working for more than 240 days every year and completed two to four years of service, the respondents not only not conferred temporary status under casual labourers (grant of temporary status) regularisation scheme of Government of India 1993 but are seeking to terminate their services on or after 1.10.1997 on extraneous considerations which is clearly illegal. The Applicants submit that the Department of Personnel and Training Government of India issued O.M.No.51016/2/90 ESTT(C) dated 10.9.1993 the scheme for grant of temporary status and regularisation of casual workers, and the said



scheme came into force with effect from 1.9.1993. The above said scheme is applicable to casual labourers in employment of the Ministries/Departments of Government of India and their attached and subordinate officers. According to the said scheme the temporary status would be conferred on all casual labourers who are in employment and who have rendered a continuous service of atleast one year, which means that they must have been engaged for a period of atleast 240 days, (206 days in the case of Officer observing 5 days week). The applicants submit that they satisfied the conditions laid down for grant of temporary status as per the Memorandum dated 10.9.1993 and hence they become entitled for grant of temporary status. It is relevant to submit that according to the guidelines issued by the Department of Personnel and Training, the unskilled labour whose nature of duties is the same as that of regular employee is to be paid at the rate of 1/30th of the minimum of Group-D officials including D.A. thereon for work of 8 hours a day. However the respondents are not paying wages as per the said guidelines and paying far less amount of Rs.1,690/-, 1,040/-, 1,040/-, 1,040, respectively. The Applicants submit that inspite of the same, they have been discharging duties to the entire satisfaction of their superiors. The Applicants submit that the respondents instead of extending benefit of the scheme and grant of temporary status are resorting to dispense with their services without any justification or reasonable cause on extraneous and malafide considerations with a view to appoint their own interested persons which is clearly illegal, arbitrary, discriminatory and violative of Articles 14, 16 and 21 of the Constitution besides being opposed to all principles of natural justice and fairplay. The Applicants submit that the policy with regard to the recruitment of persons on daily wage basis in Central Government offices issued on

7.6.1988 were reviewed in the light of the judgement of CAT, Principal Bench, New Delhi dated 16.2.1990 in Rajkamal and others Vs. Union of India and the Government directed that while the existing guidelines contained in the O.M. dated 7.6.1988 may continue to be followed, for the grant of temporary status to the Casual employees who are presently employed and have rendered one year of continuous service is governed by the Scheme. Therefore the action of the respondents in not extending the benefit of temporary status even though they have fulfilled the conditions laid down under the scheme and instead seeking to dispense with their services is clearly illegal. The Applicants submit that they made several oral requests to the respondents ~~xx~~ for grant of temporary status and payment of wages at the rate of 1/30th of pay+D.A. of the minimum of Group-D but there has been no response for the same. The Applicants are therefore constrained to approach this Hon'ble Tribunal as they have no other effective, alternative remedy.

7. REMEDIES EXHAUSTED:- The Applicants have no other effective alternative remedy except to approach this Hon'ble Tribunal.

8. MATTERS NOT PREVIOUSLY FILED OR PENDING:- The Applicants have not filed any other O.A./W.P. in this regard and such a case is not pending in any court or authority of law.

9. MAIN RELIEF:- It is therefore prayed that this Hon'ble Tribunal may be pleased to declare that the applicants are entitled for grant of temporary status under the casual labourers (grant of temporary status and regularisation) scheme of Government of India 1993 on completion of one year service in terms of O.M.No.51016/2/90-ESTT(C) dated 10.9.93, by holding the action of the respondents in seeking to terminate their services is as illegal, arbitrary, discriminatory and also wages at the rate of 1/30th of the minimum group-D scale + D.A. as admissible thereon on par with regular employees with consequential benefits and pass such other order or orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

10. INTERIM RELIEF:- Pending disposal of the above OA it is prayed that this Hon'ble Tribunal may be pleased to direct the respondents not to resort to <sup>and</sup> terminating their services as pass such other order or orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

11. COURT FEE:-

I.P.O.No. & Date : 812 229 724

Name of the P.O. which drawn: Kacheguda H.O. Hydr

12. ENCLOSURES:- IPO., Material Papers, Covers, Pads & etc.

VERIFICATION

We, (1) Mohd. Zakir Ali Khan, S/o Mohd. Abbas Ali Khan, aged about 23 years (2) J. Sekhar, S/o. Posetty, aged about 27 years (3) K. Posetty, S/o K. Lakshmaiah, aged about 27 years (4) B. Siddi Ramulu, S/o B. Babulingam, aged about 26 years, do hereby verify that the contents in the above paras 1 to 6 are true to our personal knowledge and paras 7 to 12 are true to legal advice from our counsel and we have not suppressed any material facts.

Hyderabad,

Dated :

(1) *Zakir*

(2) *Jose*

(3) *Posetty*

(4) *Bareilly*

Signature of the Applicants

*Smurthy*  
Counsel for the Applicants.

(7)

G.I., Dept. of Per&Trg., O.M.No51016/2/90-Estt (C) Dt. 10.9.93

SCHEME FOR GRANT OF TEMPORARY STATUS AND REGULARISATION  
OF CASUAL WORKERS

The guidelines in the matter of recruitment of persons on daily-wage basis in Central Government offices were issued vide this Department's O.M. No.49014/2/86-Estt(C) dated 7.6.1988(Sl. No.310 of Swamy's Annual, 1988). The policy has further been reviewed in the light of the judgment of the CAT, Principal Bench, New Delhi delivered on 16.2.1990, in the writ petition filed by Shri Raj Kamal and others v. Union of India and it has been decided that while the existing guidelines contained in OM dated 7.6.1988 may continue to be followed, the grant of temporary status to the casual employees, who are presently employed and have rendered one year of continuous service in Central Government offices other than Department of Telecom, Posts and Railways may be regulated by the scheme as appended.

2. Ministry of Finance, etc., are requested to bring the scheme to the notice of appointing authorities under their administrative control and ensure that recruitment of casual employees is done in accordance with the guidelines contained in O.M. dated 7.6.1988. Cases of negligence should be viewed seriously and brought to the notice of appropriate authorities for taking prompt and suitable action.

APPENDIX

DEPARTMENT OF PERSONNEL & TRAINING, 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 Government of India, 1993".
2. This scheme will come into force with effect from 1.9.93.
3. This scheme is applicable to casual labourers in employment of the Ministries/Departments of Government of India and their attached and subordinate offices, the date of issue of these orders. But it shall not be applicable to casual workers in Railways, Department of Communication and Department of Posts who already have their own schemes.
4. Temporary status
  - (i) Temporary status would be conferred on all casual labourers who are in employment on the date of issue of this OM and who have rendered a continuous service of at least one year, which means that they must have been engaged for a period of at least 240 days (200 days in the case of offices observing 5 days week).
  - (ii) Such conferment of temporary status would be without reference to the creation/availability of regular Group 'D' posts.



2/11/94  
VITW  
महानगर के.ए. अफिसर  
Assistant Station Engineer  
आकाशवाणी  
All India Radio,  
Government of India  
Directorate General: All India Radio  
\*\*\*\*\*

No. 4/116/94-SVI/

New Delhi, dated 30.11.94

Subject : Scheme for grant of temporary status and regulari-  
sation of Casual Workers.  
\*\*\*\*\*

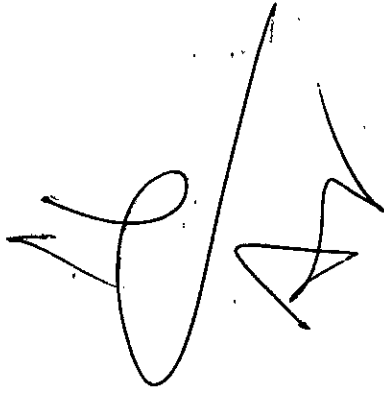
A copy of DP&T O.M. No. 51016/2/90-Estt (C) dated 10.9.93  
is sent herewith for information, guidance and necessary  
action.

*M.K. Sharma*  
(M.K. Sharma)  
Section Officer  
for Director General

✓ All Stations/Offices of AIR.

*pl. note for ref & return*  
*ए. जे. राव*  
A.S.E. (V)  
K.S. Venkateswarlu, D.B. (E) &  
महानगर के.ए. अफिसर  
Assistant Station Engineer II  
आकाशवाणी, विजयवाड़ा  
All India Radio, Vijayawada

*[Signature]*

6. No benefits other than those specified above will be admissible to casual labourers with temporary status. However, if any, additional benefits are admissible to casual workers working in Industrial establishments in view of provisions of Industrial Dispute Act, they shall continue to be admissible to such casual labourers.
7. Despite conferment of temporary status, the services of a casual labourer may be dispensed with by giving a notice of one month in writing. A casual labourer with temporary status can also quit service by giving a written notice of one month. The wages for the notice period will be payable only for the days on which such casual worker is engaged on work.
8. Procedure for filling up of Group 'D' posts:-  
(i) Two out of every three vacancies in Group 'D' cadres in respective offices where the casual labourers have been working would be filled up as per extant recruitment rules and in accordance with the instructions issued by Department of Personnel & Training from amongst casual workers with temporary status. However, regular Group 'D' staff rendered surplus for any reason will have prior claim for absorption against existing/future vacancies. In case of illiterate casual labourers or those who fail to fulfil the minimum qualification prescribed for post, regularisation will be considered only against those posts in respect of which literacy or lack of minimum qualification will not be a requisite qualification. They would be allowed age relaxation equivalent to the period for which they have worked continuously as casual labourer.
9. On regularisation of casual worker with temporary status, no substitute in his place will be appointed as he was not holding any post. Violation of this should be viewed very seriously and attention of the appropriate authorities should be drawn to such cases for suitable disciplinary action against the officers violating these instructions.
10. In future, the guidelines as contained in this Department's OM dated 7.6.1988 should be followed strictly in the matter of engagement of casual employees in Central Government Offices.
11. Department of Personnel & Training will have the power to make amendments or relax any of the provisions in the scheme that may be considered necessary from time to time.
- 
- 


1-8-76

- (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 need basis. He may be deployed anywhere within the recruitment unit/territorial circle 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 Group 'D' posts.

5. 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 corresponding regular Group 'D' official including DA, HRA and CCA.
- (ii) Benefits of increments at the same rate as applicable to a Group 'D' employee would be taken into account for calculating pro rata wages for every one year of service subject to performance of duty for at least 240 days (206 days in administrative offices observing 5 days week) in the year from the date of conferment of temporary status.
- (iii) Leave entitlement will be on a pro rata basis at the rate of one day for every 10 days of work. Casual or any other kind of leave, except maternity 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 benefits of encashment of leave on termination of service for any reason or on their quitting service.
- (iv) Maternity leave to lady casual labourers as admissible to regular Group 'D' employees will be allowed.
- (v) 50% of the service rendered under Temporary Status would be counted for the purpose of retirement benefits after their regularisation.
- (vi) After rendering three years continuous service after conferment of temporary status, the casual labourers would be treated on par with temporary Group 'D' employees for the purpose of contribution to the 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 Group 'D' employees, provided they furnish two sureties from permanent Government servants of their Department.
- (vii) Until they are regularised, they would be entitled to Productivity Linked Bonus/Ad-hoc bonus only at the rates as applicable to casual labourers.

Contd.....3/-





# VOUCHER FOR PETTY CONTINGENT EXPENDITURE

Date	Particulars of expenditure	per day		Amount
		Rs.	Ps.	Rs. Ps.
01/1/97 to 31/1/97	Shri T. Sekhar, was booked purely as contractor to clean office block/toilets/staircases etc. for the month of January, 97.			Say Rs. Rs. 1040/-

(Pay Rupees One thousand & forty only)

Cashier

Accountant

Drawing and Disbursing Officer

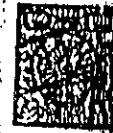
Certified that the work has been done satisfactorily and the entry made in Casual labour Regr. P. No. . The payment may be made.

Received payment

Signature:

STEX 10/2/97 S.L. SUPERVISER

D.D.O.



*[Handwritten signature]*

18  
11

VOUCHER FOR PETTY CONGINGENT EXPENDITURE

Date	Particulars of Expenditure	per day Rs. Ps.	Amount Rs. Ps.
------	----------------------------	--------------------	-------------------

1/1/97 } SR B. Siddi Kamulu, was booked purely  
to } on contract basis for cutting wild growth/maintenance  
31/1/97 } of the gardens & to clean office block/toilets etc.  
for the month of January, 97. Rs. 1040/-

(Pay Rupees One thousand & forty only)

Cashier

Accountant

Drawing and Disbursing Officer

Certified that the work has  
been done satisfactorily and  
the entry made in Casual  
labour Regr. P.N. The  
payment may be made.

Received payment

Signature:

STEX 10/1/97  
C.L. SUPERVISER

D.D.O



*[Handwritten signature]*

VOUCHER FOR PETTY CONGINGENT EXPENDITURE

Date	Particulars of Expenditure	per day Rs. Ps.	Amount Rs. Ps.
------	----------------------------	--------------------	-------------------

1/1/97 to 31/1/97	MOND. ZAKIR ALIKHAN, booked purely on contract basis to attend electrical works in the office/studios/CR for the month of January 97.		Rs. 1690/-
-------------------------	---	--	------------

(Pay Rupees One thousand & six hundred & ninety only)

Cashier

Accountant

Drawing and Disbursing Officer

Certified that the work has been done satisfactorily and the entry made in Casual labour Regr. P.N. The Payment may be made.

Received payment

Signature:

STEX

C.L. SUPERVISER

D.D.O



*[Large handwritten signature]*

20-9-20  
0-13

## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD

O.A.NO.1295/97

Between:

Dt. of Order: 29.9.97.

1. Mohd. Zakir Ali Khan
2. J. Sekhar
3. K. Posetty
4. B. Siddi Ramulu

...Applicants.

And

1. The Station Director, All India Radio, Nizamabad.
2. The Director General, All India Radio, New Delhi.

...Respondents.

Counsel for the Applicants : Mr. T.V.V.S. Murthy  
 Mr. K. Venkateswara Rao  
 Counsel for the Respondents : Mr. N.R. Devraj

CORAM:

THE HON'BLE SHRI MH. RAJENDRA PRASAD : MEMBER (A)

THE TRIBUNAL MADE THE FOLLOWING ORDER:~~xxxxxx22/97xxxxdispensedxxRxxxxxxVida~~

Heard Mr. T.V.V.S. Murthy, for the applicants and Mr. V. Vinod Kumar for the respondents.

Notice before admission. Reply to be filed within three weeks. In the meanwhile it is directed that the services of the applicants shall not be terminated until the next hearing.

  
 DEPUTY REGISTRAR(J)

..2..

Copy to:

1. The Station Director, All India Radio, Nizamabad.
2. The Director General, All India Radio, New Delhi.
3. One copy to Mr. T.V.V.S. Murthy, Advocate, CAT, Hyderabad.
4. One copy to Mr. K. Venkateswara Rao, Advocate, CAT, Hyderabad.
5. One copy to Mr. N.R. Devraj, Sr. CGSC, CAT, Hyderabad.
6. One duplicate copy.

YLKR

checked today

TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD

H. Rajendra Prasad.

THE HON'BLE SHRI ~~R. S. JAI PARAMESHWAR~~ M(A)

AND

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

Dated: 29/9/97

ORDER/JUDGMENT

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

in

O.A.NO. 1295/97

Admitted and Interim Directions  
Issued.

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

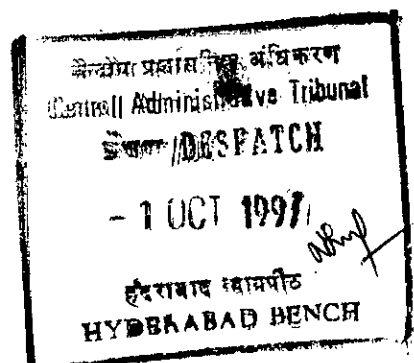
Dismissed for Default

Ordered/Rejected

No order as to costs.

YLKR

II Court



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

O.A.NO. 1295/97.

Date of Order: 26-11-97.

Between:

1. Mohd Zakir Ali Khan.
2. J.Sekhar.
3. K.Posetty.
4. B.Siddi Ramulu.

.. Applicants.

and

1. The Station Director, All India Radio,  
Nizamabad.
2. The Director General, All India Radio,  
New Delhi.

.. Respondents.

For the Applicants: Mr. T.V.V.S.Murthy, Advocate.

For the Respondents: Mr.V.Vinod Kumar, Addl.CGSC.

CORAM:

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

The Tribunal made the following Order:-

Two weeks time is granted for filing counter affidavit at the request of the standing counsel for the respondents. The Interim orders passed on 29-9-97 shall continue.

*Arbha*  
27-11-97  
Deputy Registrar

To

1. The Station Director, All India Radio,  
Nizamabad.
2. The Director General, All India Radio,  
New Delhi.
3. One copy to Mr.T.V.V.S.Murthy, Advocate, CAT.Hyd.
4. One copy to Mr. V.Vinod Kumar, Addl.CGSC. CAT.Hyd.
5. One spare copy.

pvm.

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:- 26/11/97

ORDER/JUDGMENT.

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

in

O.A.No. 1295/97,

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.

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
श्रेष्ठ/DESPATCH

- 2 DEC 1997

हैदराबाद न्यायपीठ  
HYDERABAD BENCH



26

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH  
AT HYDERABAD

O.A. No.1295 of 1997

Between:

Z.A.Khan & another

...Applicant

And

Station Director,  
All India Radio,  
Nizamabad & Ors.

...Respondents

COUNTER AFFIDAVIT ON BEHALF OF THE RESPONDENTS

I, Smt.P.Vedavathi, W/o S.Kumara Swamy aged 46  
Occupation: Govt. Service, R/o AIR Staff Qtrs, Nizamabad  
do hereby solemnly affirm and state as follows:-

I am working as Asst.Station Director, All India Radio, Nizamabad and looking after the duties of Station Director, All India Radio, Nizamabad i.e the 1st Respondent herein, as such I know all the facts of the case. I am filing this reply statement on behalf of the Respondents as I have been authorised to do so. The Respondent denies the material averments in the O.A. except these that are specifically admitted herein. The applicant is put to strict proof of all such averments except those that are specifically admitted herein.

At the outset it is submitted that the applicants herein are only the labourers engaged on contract basis as such they are not the employees working under Union of India. Hence, this Hon'ble Tribunal cannot entertain the above OA as the alleged cause of action is not within the jurisdiction of this Hon'ble Tribunal. Therefore the OA is liable to be rejected for lack of jurisdiction.

Without prejudice to the above contentions, the Respondents submit their reply to para 6 of the OA as follows:

Contd...2/-

belonged and work at the time.  
 Over head tank etc. and for the rest of the day they were not  
 working for the time when it required them to clean the pump  
 since were working for over eight hours a day. In fact they are  
 made work to not continuous. It is also stated that the sub-  
 jectively under the authority of action for the said purpose is  
 possible including the subjects were engaged to do work whenever  
 direction of their employers is not correct. In fact the is-  
 they have been continuously working without any break for the es-  
 the completion of the subject that evidence their employment  
 presents M.E.T. under 1002 (not final, as stated in the O.V.)  
 together subject. He was engaged to cut the grass in the station  
 have no knowledge about the educational institution of the  
 of V.H. interrupted on contract basis. Similarly, the respondents  
 under, over head tank etc. and other water tanks within the premises  
 present. However, they were engaged as janitors to clean the  
 the educational institutions of the second and the third sub-  
 ject were stated to be. The respondents have no knowledge about  
 on 1.9.1966 to assist the regular execution on contract basis.  
 It is true that the first subject was engaged  
 under to take and preserve.  
 Atoms of a state is a 10 and 21 of the constitution of  
 two to four years is subject. Similarly, discontinuously and  
 in not continuing temporarily state to the subjects for over  
 contract basis. Therefore the completion of subjects that  
 could to give temporarily state to the janitors engaged on  
 possible and there is no violation under the instructions of  
 it is also stated that the subjects were engaged as casual is-  
 the subjects herein as contended by them in para 2 (a). It  
 the office memorandum dated 10.03.1966 is not applicable to  
 at the regular execution of all under subject. Hence  
 and the subject no. 1 was engaged on contract basis to assist  
 subject on contract basis for cleaning the station premises  
 as stated under the subjects 2 to 3 are engaged

As stated supra the applicants 2 to 3 are engaged purely on contract basis for cleaning the station premises and the applicant No.1 was engaged on contract basis to assist the regular electrician of All India Radio, Nizamabad. Hence the Office Memorandum dated 10.09.1993 is not applicable to the applicants herein as contended by them in para 6 (a). It is also denied that the applicants were engaged as Casual Labourers and there is no provision under the instructions of Govt. to give temporary status to the labourers engaged on contract basis. Therefore the contention of applicants that in not conferring temporary status to the applicants for over two to four years is illegal, arbitrary, discriminatory and violative of article 14 & 16, and 21 of the constitution of India is false and baseless.

It is true that the first applicant was engaged on 1.6.1994 to assist the regular electrician on contract basis but not as Casual Labour. The Respondents have no knowledge about the educational qualifications of the second and the third applicants. However, they were engaged as labourers to clean the sump, overhead tanks and other water tanks within the premises of AIR, Nizamabad on contract basis. Similarly, the Respondents have no knowledge about the educational qualification of the fourth applicant. He was engaged to cut the grass in the station premises w.e.f. August, 1995 (Not July '95 as stated in the OA). The contention of the applicant that ever since their appointment they have been continuously working without any break to the satisfaction of their superiors, is not correct. In fact the labourers including the applicants were engaged to do work whenever budgetary funds are available or sanction for the said purpose is made, which is not continuous. It is also denied that the applicants were working for over eight hours a day. In fact they are working for the time which is required either to clean the sump over head tank etc. and for the rest of the day they have not performed any work at any time.

28

Their duty is just to clean the water tanks and leave the place of work for their other activities.

As stated above the applicants are engaged on ~~contract~~ contract basis on month to month basis and there is no instructions of Govt. of India for conferring any temporary status to such type of workers. Therefore whether the applicants have worked for more than 240 days or two to four years of service has no nexus for granting any temporary status. It is pertinent to mention here that there is no provision for engaging casual labours by All India Radio through out the country. The instructions are that whenever work has to be done by the All India Radio, to engage ~~labourers~~ labourers on work contract basis. In this regard the Office Memorandum No.7/5/97-Scor dated 25.2.1997 is filed herewith as Annexure R.1. Therefore, the contention of the applicants that without conferring temporary status the Respondents are seeking to terminate the services on or before 1.10.1997, which is illegal, is baseless and far from the truth and misconceived. The Respondents have no proposal to disengage the applicants herein if work is available with them. As stated supra the scheme for grant of temporary status and regularisation of Casual Workers as circulated by the Govt. of India under its OM No.51016/2/90/Estt(c) dt. 10.09.1993 has no application to the present applicants. As admitted the scheme is applicable to the casual labourers in the employment of Ministry/Dept. of Govt. of India and their subordinate offices. The basic fact is that the applicants were engaged on work contract basis but not casual labour basis. As per the instructions labourers engaged on contract basis are to be paid as prescribed by the local Government. In this regard the Govt. of AP have notified the amendments to revision of wage rates and conditions of service

Contd...4/-

as specified under Clause (B) of Sub-Rule V of Rule 25 of AP Contract Labour ( R & A ) Rules, 1971. The applicants herein are paid on the basis of rate notified by the State Government. A copy of the AP Gazette dt. 25.7.1995 is filed herewith as Annexure R.2. Therefore the contention of the applicants that as per the guidelines the Dept. of Personnel & Training, the unskilled labour whose nature of duties is same as that of a regular employee is to be paid @ 1/30th of Group 'D' officer including D.A. thereon for the work of eight hours a day, is baseless. As stated above the applicants never performed the same duties as that of a regular employee and therefore the question payment of 1/30th of the scale of Gr.'D' officials does not arise. The fact that the applicants were engaged on contract basis is evident from the annexures filed by the applicant themselves. Annexure A.3, 4 & 5 on page No.11,12 & 13 are very clear. In that it is clearly stated that they are booked purely on contract basis for the work they were engaged. It is therefore submitted that there is no violation of any instructions or rules or any of the provisions of Constitution of India.

It is further submitted that the first petitioner Mr.Z.A.Khan has informed to this Station Director that he is not willing to continue to work in this station due to his private affairs by his representation dated 06.11.1997.

For the reasons stated in above, the Respondents Pray this Honourable Tribunal may be pleased to dismiss the OA with costs as the Applicants failed to prove the merits of O.A.either on fact or on law, and pass such order or orders as this Hon'ble Tribunal deems fit and proper.

Solemnly and sincerely affirmed  
on this 28<sup>th</sup> day of Nov. 1997  
before me.

DEPONENT

Assistant Station Director  
ALL INDIA RADIO (FM)  
NIZAMABAD-503 001

ATTESTOR

ASST. ENGINEER,  
For Station Engineer,  
All India Radio,  
NIZAMABAD-503 001

Copy of M/o I&B's D.O.No.4/1/97-Fin.I, dated 19.2.97

SUNANDA SHARMA  
DEPUTY SECRETARY(PC)  
TELE # 338 15 92

Dear Shri Chattopadhyay,

As you are aware GOI has from time to time issued instructions regarding employment of casual labour. These instructions prescribe certain terms and conditions /guidelines for employment of casual labour which inter-alia, include the following:-

- i) Persons on daily wages should not be recruited for work of regular nature.
- ii) Recruitment of daily wagers may be made only for work which is of casual or seasonal or intermittent nature.
- iii) The departments may also review the norms and staff for regular work and take steps to get them revised if considered necessary. If the department wants to make departure from the above guidelines, prior concurrence of the Ministry of Finance and DP&T is to be obtained.
- iv) In so far as engagement of casual workers for performing duties of Group 'C' posts, Government has imposed complete ban vide Ministry of Finance O.M. No.49014/16/89-Estt.(C) dated 26.1.1990. Thus, no appointment of casual worker is required to be made for performing the duties of Group 'C' posts. The OM further stipulates that if any deviation in this regard is committed, the administrative officer incharge in the rank of Joint Secretary or equivalent will be held responsible.

2. While reviewing the working of Doordarshan a few days back, the Minister of Information & Broadcasting was informed that a large number of persons were working on casual basis at various places for a long period. In that context, AS&FA at a review meeting held on 6.1.1997, desired to have information regarding sanctioned strength in respect of various categories of posts and also the number of casual employees in AIR, DDn etc. He has also desired to know how these employees have been paid their salaries/wages.

Contd...3

R-1  
30

ALL INDIA RADIO  
NIZAM  
Duty No. 1505  
Date 6/3/97  
MOST IMMEDIATE

GOVERNMENT OF INDIA  
DIRECTORATE GENERAL: ALL INDIA RADIO

No.7/5/97-Scor/

New Delhi, dated 25.2.1997

Subject:- Instructions regarding Employment of Casual Labour.

\*\*\*\*

A copy of Ministry of I&B's D.O.No.4/1/97-Fin.I, dated 19.2.97 on the above subject is sent herewith for guidance and strict compliance.

2. It is requested that the sanctioned strength in respect of various categories of posts and number of casual employees in each category, indicates how their salaries/wages have been paid may be sent to Scor Section by 10.3.1997 at the latest in the enclosed proforma, in order to communicate to the I&B.

Encl: As above.

(N.C.GAUR)  
Dy. Director of Admn. (WL)

To

1. Heads of all AIR Stations/Offices.
2. All Sections in the main Directorate including P&D Unit, A.R. Unit & CCW.
3. Spare copies - 50.

Contd....2

3 :

3. I shall be grateful, if the requisite information station/studio/office-wise for All India Radio/Doordarshan, as a whole is furnished urgently as per the proforma enclosed.

With regards,

Yours sincerely,

Sd/-  
(SUNANDA SHARMA)

Shri S.K.Chattopadhyay  
DDG(A)  
DG: AIR  
New Delhi.





ఆంధ్ర ప్రదేశ్ రాజ పత్రము

# THE ANDHRA PRADESH GAZETTE

PART I—EXTRAORDINARY  
PUBLISHED BY AUTHORITY

No. 315.]

HYDRABAD, TUESDAY, JULY 25, 1995.

## NOTIFICATIONS BY HEADS OF DEPARTMENTS, ETC.

### COMMISSIONER OF LABOUR

AMENDMENT TO REVISION OF WAGE RATES AND CONDITIONS OF SERVICE No. 12 AS SPECIFIED UNDER CLAUSE (b) OF SUB RULE (v) OF RULES 25 OF ANDHRA PRADESH CONTRACT LABOUR (R & A) RULES, 1971.

No. Q2/15924/94.—In exercise of the powers conferred under clause (b) of sub-rule (v) of Rule 25 of A. P. Contract Labour (R & A) Rules, 1971 and in modification of service condition No. 12 notified in proceedings No. Q2/29283/91, dated 17th June, 1992 of the Commissioner of Labour, A.P., Hyderabad, published in A. P. Gazette, dated 19th June, 1992 the proposed draft amendment was published in Part-I Extraordinary No. 117-A, dated 1st March, 1995 of A. P. Gazette. Duty considering the objections and suggestions received in the said draft notification, the Commissioner of Labour, A. P., Hyderabad hereby order the following amendment to condition No. 12 specified under clause (b) of sub-rule (v) of Rule 25 of A. P. Contract Labour (R & A) Rules, 1971, which will have its effect from the date of publication of this notification in the Gazette of Andhra Pradesh:

#### AMENDMENT

For service condition No. 12 specified under clause (b) of sub-rule (v) of Rule 25 of A. P. Contract Labour (Regulation & Abolition) Rules, 1971, the following shall be substituted namely:

#### 12. Wage Rates:—

(i) Where no rates of wages have been regulated by way of Agreement/Settlement/Award or no wages have been statutorily been prescribed under Minimum Wages Act, 1948 for such employment where applicable for any category or class of workmen the Contractor shall pay wages.

Rs. 1040/- per month for unskilled worker.  
Rs. 1357/- per month for semi-skilled worker.  
Rs. 1690/- per month for skilled worker.

Subject to revision as may be notified by the Commissioner of Labour, A.P., Hyderabad from time to time.

(ii) To arrive at daily wages, the monthly wage shall be divided by 26. The daily wages so calculated is inclusive of weekly holiday wages.

(iii) Where daily wages are paid, such wages shall not be less than the wage arrived at item (ii) above.

(iv) If statutory wages or wages regulated as per award/agreement/settlement which are in force are more beneficial to the workmen, the worker shall be entitled to such rates of wages not withstanding the rates of wages fixed under his/her service condition.

(v) Where any category of workers is actually in receipt of higher rates of wages than the wages specified under this service condition he/she shall continue to be paid such higher wages.

(vi) Where piece rate workers are employed in any operation of the establishment, the wages paid to such worker for a normal working day of 8 hours, shall not be less than the wages fixed for a general worker in that operation doing similar work.

Definition of Categories will be as Follows:—

(a) Skilled:—Skilled work is that which includes skill acquired through experience on the job or through training as apprentice in a technical or vocational institution and the performance of which calls for initiating accuracy and judgement.

(b) Semi-Skilled:—Semi skilled work is that which involves some degree of skill acquired through experience on the job and which is capable of being performed under the supervision and guidance of a skilled employee.

(c) Un-Skilled:—Unskilled work is that which involves simple operations requiring little or no skill or experience on the job.

R. HRUDAYARANJAN,  
Commissioner of Labour.

VO

The Station Director

All India Radio,

Nizamabad

Madam,

I am to inform you that  
due to my private affairs I am  
not willing to continue to work  
in this station

Thanking you

Yours faithfully

*[Signature]*

MR. S. R. R. R. R. R.  
ELECTRICIAN.

Nizamabad

*[Handwritten notes and signatures]*

34

GOVERNMENT OF INDIA  
ALL INDIA RADIO (FM) NIZAMABAD

\* \* \*

No.32(1)94-G/AIR/NZB 3481

Date:13.04.94

M/s.Marco Electricals & Civil  
Head Office:Hatai Street  
Near Picture Palace,  
NIZAMABAD-503 001.

Sir,

One skilled electrician is required on Casual basis for working at All India Radio (FM) Nizamabad for one month. The rate is Rs.34/- per day. If any one available the same person may be sent to this office.

Thanking you,

Yours faithfully,

*K. Saroja*

(K.SAROJA)  
STATION ENGINEER

Despatched on... 13/4/94

*K*  
DESPATCHER

*1057*  
13/4/94

\* \* \*

DServici to be effected  
on our side.

In the C-A-T  
Wyd Bench

Completed on  
11-12-97

OA. 1295/97

Reply Statement



Recd  
copy  
Sanjay  
counsel for  
applicant  
11/12/97

Filed by: -

V. Vinod Kumar  
Addl. CHSC

May 1998

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT :: HYDERABAD

O.A.NO. 1295 of 1997

Between:-

1. Mohd. Zakir Ali Khan.
2. J. Sekhar.
3. K. Posetty.
4. B. Siddi Ramulu.

... APPLICANTS

A N D

1. The Station Director, All India Radio, Nizamabad.
2. The Director General, All India Radio, New Delhi.

... RESPONDENTS

REJOINDER

I, J. Sekhar, S/o. Posetty, aged about 27 years, Working as Casual Labour in the O/o. Station Director, All India Radio, and now temporarily come down to Hyderabad, do hereby solemnly and sincerely affirm and state as follows:-

1. I am the second applicant in the above O.A. and as such I am well acquainted with the facts of the case. I am filing this rejoinder on my behalf as well as on behalf of other applicants who have authorised me to file the same.

2. I submit that I have read the reply statement filed on behalf of the respondents and in reply thereto I beg to submit as follows:-

3. I submit that admittedly we are engaged by the All India Radio Nizamabad as Casual Labourers but however a distinction is sought to be made that we were engaged as Labourers on contract basis. I, submit that there is no distinction between casual labourers and labourers engaged on contract basis.

I submit that in normal course labourers will be engaged on contract basis by a contractor to do a particular work and wage are paid by him for the work which he took contract from the Government. In the instant case it cannot be said that All India Radio is a contractor engaging labour to do a particular work which he had taken on contract basis. That apart the All India Radio must be held to be a model employer being an organisation of Government of India and is not in the Status of a contractor. I submit that in as much as we are engaged

to do the work in All India Radio we must be deemed to be the casual labour working under Union of India and as such the averment in the reply statement that the cause of action is not within the jurisdiction of this Hon'ble Tribunal is not correct.

4. I submit that we are not engaged on contract basis for particular work in a day and the regular monthwise attendance register is maintained with number of day<sup>b</sup> we had worked and wages are paid by the AIR for the days work by us once in a month. I, therefore submit that the respondents are required to treat us as casual labour on daily wage basis/NMR basis. There is therefore no justification in stating that the office memorandum dated 10.9.1993 is not applicable in our case.

5. I submit that admittedly myself and third applicant studied upto 10th Class and were engaged as casual labourers from 9/93 while the fourth applicant passed S.S.C. and was engaged as casual labourer from July, 1995. I submit that the work for which we were employed is not of occasional nature but of continuous and permanent nature and as such it is not open to the respondents to come forward in saying that we are employed on contract basis. Infact there is no such provision or practice of appointing employees on contract basis in

Government of India *offices for sweeping, cleaning etc is prohibited vide MoL No. U-230(3)(7)/76-LW dt 8.12.76 (Annexure P-1 at P-4)*

6. I submit that it is not correct to say that we are not working for over 8 hours a day. In fact we have been working for more than 8 hours a day and more than 206 days in a ~~year~~ <sup>year</sup> and the AIR is working for 5 days a week and as such the O.M. dated 10.9.1993 <sup>is</sup> squarely applicable in our case. I submit that the contentions that we are engaged on contract basis on month to month basis is far from front. I submit that there is no such contract entered into by the All India Radio and our self <sup>as</sup> every month and the respondents are put to strict proof the same. I submit that the respondents have strangely come forward by saying that we were not casual labourers but

: 3 :

contract labour only with a view to avoiding temporary status and also payment of wages 1/30th of the pay+D.A. of the minimum of Group-D. I submit that the O.M. dated 10.9.1993 is applicable to casual labourers in employment of the Ministries/Department of Government of India and their attached and subordinate offices on the date of issue of these orders but it shall not be applicable to casual workers in Railways, Department of Telecommunication and Department of Posts who already have their own schemes. I submit that the All India Radio is not one excluded from the purview of O.M. dated 10.9.1993 and as such we are entitled for the benefit of the said circular with regard to conferment of temporary status etc. I submit that the notification issued by the commissioner of Labour published on 25.7.1995 amending the revision of wage rates and conditions of service pertains to the wages to be paid by the contractor to the labourers engaged where no rates of wages have been regulated by way of agreement/settlement/award or no wages have been statutorily prescribed under Minimum Wages Act. It is unjust to us employed by the AIR who by no stretch of imagination can be said to be a contractor. We are therefore entitled for payment of wages at the rate of 1/30th of pay+D.A. of the minimum of Group-D and the respondents cannot deny the same to us apart from the grant of temporary status as per O.M. dated 10.9.1993.

It is therefore prayed that this Hon'ble Tribunal may be pleased to allow the above O.A. as prayed for and pass such other order or orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

Solemnly and sincerely affirmed at  
Hyderabad on this 14<sup>th</sup> day of  
December, 1997.

*[Signature]*  
DEPONENT

Before me

*[Signature]*  
// ADVOCATE // HYDERABAD.

SWAMYNEWS - PAGE 391 - AUGUST 13 -- ITEM No 233

G.O.I. MOL Notfn No. U-230(3)(7) 16-LW, dated 8-12-1976

PROHIBITION OF LABOUR CONTRACT FOR SWEEPING, CLEANING,  
DUSTING AND WATCHING OF BUILDING

\*\*\*

S.O. No. 779(E) : In exercise of ~~powers~~ the powers conferred by Sub Section (1) of Section 10 of the Contract Labour ~~and~~ (Regulation and Abolition) Act 1970 (37 of 1990) the Central Government after consultation with the Central Advisory, Contract Labour Board hereby prohibits employment of Contract Labour on and from First March 1977 for Sweeping, Cleaning, Dusting and Watching of buildings under the or occupied by establishments in ~~which~~ the respect of which the appropriate Government under the said act is the Central Government:

Provided that this notification shall ~~not~~ not be to the out side cleaning and other maintenance, operations in multistoried buildings where such cleaning or maintenance operations cannot be carried out except with specialised correspondence.

the authority  
should



Fair List case

On 17.12.97

IN THE CENTRAL ADMINISTRATIVE  
TRIBUNAL AT :: HYDERABAD

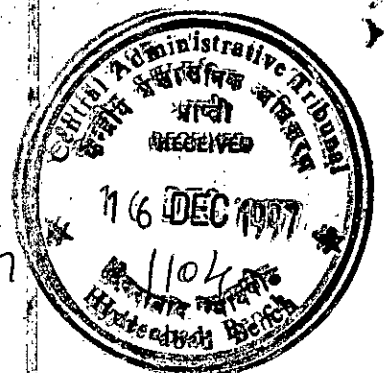
O.A.NO. 1295 of 1997

Filed on 16.12.97

REJOINDER

\*\*\*

Received  
U.V.V.  
16/12/97



Mr. K. Venkateswara Rao,  
T.V.V.S. Murthy  
Counsel for the Applicants.

Received  
16/12/97

## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

O.A.NO. 1295/97.

Date of Order: 11-12-97.

Between:

1. Mohd. Zakir Ali Khan.
2. J. Sekhar.
3. K. Posetty.
4. B. Siddi Ramulu.

.. Applicants.

and

1. The Station Director, All India Radio,  
Nizamabad.
2. The Director General, All India Radio,  
New Delhi.

.. Respondents.

For the Applicants: Mr. T.V.V.S. Murthy, Advocate.

For the Respondents: Mr. V. Vinod Kumar, Addl. CGSC.

CORAM:

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

The Tribunal made the following Order:-

List it on 17th December, 1997, for final hearing.

Interim orders to continue.

  
Deputy Registrar.

To

1. The Station Director, All India Radio,  
Nizamabad.
2. The Director General, All India Radio,  
New Delhi.
3. One copy to Mr. T.V.V.S. Murthy, Advocate, CAT. Hyd.
4. One copy to Mr. V. Vinod Kumar, Addl. CGSC. CAT. Hyd.
5. One spare copy.

pvm

I Court

TYPED BY  
COMPALED BY

CHECKED 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: 11-12-1997

ORDER/JUDGMENT:

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

in

O.A.No.

1297/97

T.A.No.

OW.R

Admitted and Interim directions  
Issued.

Allowed

Disposed of with direction

Dismissed.

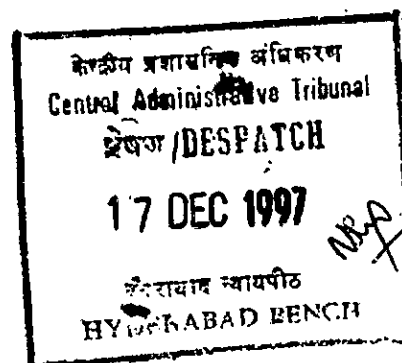
Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

pvm.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

O.A.NO. 1295/97.

Date of Order: 17-12-97.

Between:

1. Mohd Zakir Ali Khan,
2. J.Sekhar.
3. K.Posetty.
4. B.Siddi Ramulu.

.. Applicants.

and

1. The Station Director, All India Radio,  
Nizamabad.
2. The Director General, All India Radio,  
New Delhi.

.. Respondents.

For the Applicants: Mr. T.V.V.S.Murthy, Advocate.

For the Respondents: Mr.V.vinod Kumar, Addl.CGSC.

CORAM:

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

The Tribunal made the following Order:-

List it on 6th January, 1998 at the request of both the counsels. Interim order to continue.

  
Deputy Registrar

To

1. The Station Director, All India Radio,  
Nizamabad.
2. The Director General, All India Radio,  
New Delhi.
3. One copy to Mr.T.V.V.S.Murthy, Advocate, CAT.Hyd.
4. One copy to Mr.V.Vinod Kumar, Addl.CGSC. CAT.Hyd.
5. One spare copy.

pvm.

I Court

TYPED BY  
COMPAKED BY

CHECKED 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: 17-12-1997

ORDER/JUDGMENT:

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

in

O.A.No. 1295/97

T.A.No. QW.P

Admitted and Interim directions  
Issued.

Allowed

list on 6/1/98

Disposed of with direction

Dismissed.

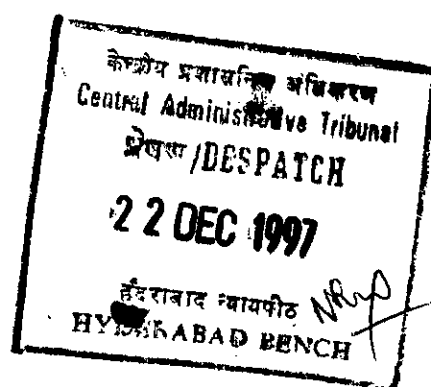
Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

pvm.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

O.A.NO. 1295/97.

Date of Order: 29-1-98.

Between:

1. Mohd. Zakir Ali Khan.
2. J. Sekhar.
3. K. Posetty.
4. B. Siddi Ramulu.

.. Applicants.

and

2. The Station Director, All India Radio, Nizamabad.
2. The Director General, All India Radio, New Delhi.

.. Respondents.

For the Applicants: Mr. T.V.V.S. Murthy. Advocate.

For the Respondents: Mr. V. Vinod Kumar, Addl. CGSC.

CORAM:

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

The Tribunal made the following Order:-

Part-heard Mr. T.V.V.S. Murthy and Mr. V. Vinod Kumar.

Mr. Vinod Kumar will seek instructions as to why

it is persistently maintained in the counter-affidavit that there is no provision to engage casual labourers in AIR while Annexure R-1 filed by the respondents themselves clearly indicates that persons can be and are in fact engaged on daily wages on works of irregular casual, seasonal or intermittent nature. It is also seen from para-2 of the Ministry's D.O. letter dated 19-02-1997 that certain information had been gathered in respect of the number of such casual employees in the AIR. This would lead to the assumption that the Department is indeed aware of this problem and may probably be in the process of evolving a scheme to benefit casual labourers since the very same issue figured at a meeting chaired by the Hon' Minister. Has any progress been made on this?

Mr. Murthy on his part shall spell out clearly the exact nature of work performed by the applicants and the extent of their engagement on each day.

It is known that the Doordarshan and AIR had in the past evolved a scheme to regularise the services of casual artists, etc. Now that there is a reason to believe that casual labourers are engaged regularly in various Stations/Kendras, are there any plans under contemplation to evolve a similar scheme in respect of casual labourers, in the light of what may have been discussed at the meeting held on 6-1-97 (as seen from the Deputy Secretary, Min. of Information and Broadcasting d.o.d. 9.2.97 already referred

A note is taken of the statement in the counter-affidavit that the respondents have no intention of disengaging the applicants if work is available. It has to be assumed that, as the work has been available for the last several years, the same shall continue to be available to them in the normal course in the foreseeable future as well.

List it on 30-3-1998.

  
Deputy Registrar

To

1. The Station Director, All India Radio,  
Nizamabad.
2. The Director General, All India Radio,  
New Delhi.
3. One copy to Mr. T.V.V.S.Murthy, Advocate, CAT.Hyd.
4. One copy to Mr. V.vinod Kumar, Addl.CGSC. CAT.Hyd.
5. One spare copy.

pvm

I Court

TYPED BY  
COMPALED BY

CHECKED 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: 28-1-1998

ORDER/JUDGMENT:

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

in

O.A.No. 1295/97.

T.A.No. QW.P

~~Admitted~~ and Interim directions  
Issued.

Allowed list on 30/3/98  
Disposed of with direction

Dismissed.

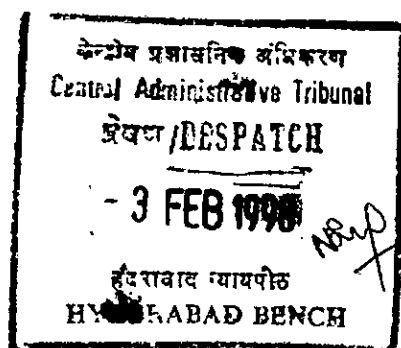
Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

pvm.





28

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

O.A.NO. 1295/97.

Date of Order: 7-4-98.

Between:

1. Mohd. Zakir Ali Khan.
2. J. Sekhar.
3. K. Posetty.
4. B. Siddi Ramulu.

.. Applicants.

and

1. Station Director, All India Radio, Nizamabad.
2. The Director General, All India Radio, New Delhi.

.. Respondents.

For the Applicants: Mr. T.V.V.S. Murthy, Advocate.

For the Respondents: Mr. V. Vinod Kumar, Addl. CGSC.

CORAM:

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

The Tribunal made the following Order:-

Heard Mr. T.V.V.S. Murthy for the applicant and Mr. V. Vinod Kumar for the Respondents.

1. It is submitted that the 1st applicant is no longer interested in pressing for the reliefs prayed for. The same is noted. As regards the 4th applicant, it is maintained by the respondents that he was engaged for cutting grass in the premises of the Radio Station. However, according to the Duty Chart issued by the authorities themselves, which is produced by the applicants' Counsel together with some supporting documents, the applicant was indeed engaged on certain days on Security Guard duties. There are at least two entries during the relevant period when he had signed the transfer-of-charge document which goes to confirm this fact. Further, it is maintained by the respondents that the applicants were not engaged for 8 hours whereas the Duty Chart issued by them shows that they were, in fact, engaged for a duration of 8 hours. These discrepancies need to be reconciled satisfactory by the Respondents.

2. It is maintained that the interim orders passed on 29.9.97 were received by the respondents only on 21-10-1997, even though it is admitted that the Telegram issued in this regard by the applicants' Counsel was received on 1-10-1997. It is submitted that well before this date the applicants had been disengaged.

3. The pleadings are complete. The case may be listed for final hearing on 16-4-98.

LL  
Deputy Registrar. (2498)

To

1. The Station Director, All India Radio, Nizamabad.
2. The Director General, All India Radio, New Delhi.
3. One copy to Mr. T.V.V.S. Murthy, Advocate, CAT. Hyd.
4. One copy to Mr. V. Vinod Kumar, Addl. CGSC. CAT. Hyd.
- 5 One spare copy.

pvm.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH

THE HON'BLE MR. H. RAJENDRA PRASAD : MEA)

DATED: 7-4-1998

ORDER/JUDGMENT

M.A. No.

in

O.A. No.

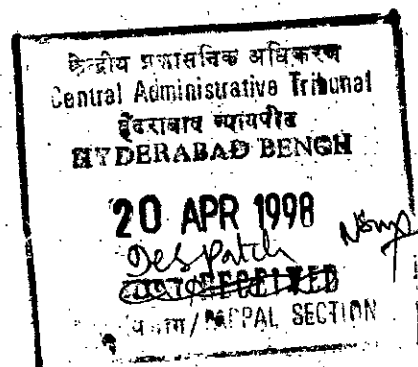
1295797

W Interim directions issued

Disposed of with directions  
dismissed.

list on 16/4/98

No order as to costs.



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

O.A. 1295/97 &  
C.P. 40/98 in O.A.1295/97

Date: 8-7-1998

Between:

1. Mohd. Zakir Ali Khan
2. J. Sekhar
3. K. Posetty
4. B. Siddi Ramulu

.. Applicants in  
both O.A. and C.P.

A N D

1. The Station Director,  
All India Radio,  
Nizamabad.
2. The Director General,  
All India Radio,  
New Delhi.

.. Respondents in O.A.

1. Smt. P. Vedavathi,  
The Station Director,  
All India Radio,  
Nizamabad.

2. Director General,  
All India Radio,  
New Delhi.

.. Respondents in C.P.

(Respondent No. 2 is not  
necessary to this Petition)

Counsel for the applicants: Mr. T.V.V.S. Murthy

Counsel for the Respondents: Mr. V. Vinod Kumar

CORAM:

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

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

... 2/-

O.A.1295/97

Date: 8-7-1998

(Per Hon'ble Shri H. Rajendra Prasad, Member(A) <sup>2</sup>/<sub>51</sub>)

Heard Mr. TVVS. Murthy for the applicant and  
Mr. V. Vinod Kumar, Addl. CGSC for the respondents.

2. Of the four applicants in this OA, Applicant No. 1, Mohd. Zakir Ali Khan, is reported to have left his job and is said to be no longer interested in pursuing the case. Applicants No. 2 and 3, J. Sekhar and K. Posetty, continue to be engaged and work on casual basis and they have no grievance. Applicant No. 4, B. Siddi Ramulu, is the sole surviving applicant at this stage for the purpose of this OA. His position is as under :

3. On 29-9-97 a direction was issued to the effect that, pending admission of the OA, the services of the applicants shall not be terminated until the date of next hearing of the case. These orders were extended from time to time. It is now submitted by Mr. Vinod Kumar that even prior to the passing of the interim orders the authorities had taken action to dis-engage the said applicant, B. Siddi Ramulu, on account of want of funds and lack of work. The interim orders did not reach the Respondents till 1st October '97, by which time he has already been physically dis-engaged.

4. Under the circumstances it is not possible to intercede on his behalf as nothing can possibly be done any longer in this matter. However, it was submitted by the learned counsel for the applicant that the problem

*Qr*  
*51*  
*JS*

of funds may have since been solved with allocation of funds for the current financial year and that this will enable the authorities to meet the expenditure on engagement of casual labourers where found absolutely necessary. Secondly, it is submitted by the same counsel that work continues to be available, and judging by the nature of tasks performed by the said applicant from time to time, it is indeed possible to conclude that work of that same nature would continue to be available.

5. Taking into consideration these statements and the facts of the case it is directed that the applicant, B. Siddi Ramulu, may be considered for engagement on casual basis if and when work is available to be performed by him in preference to any fresh candidate from outside.

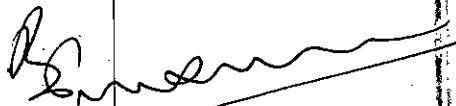
6. The question of payment of proportionate wages to casual labourers has been well-settled and does not need elaboration. The respondents state that the applicant was a contract labourer. Looking into the nature of their employment and the conditions of his <sup>engagement,</sup> this assertion is not borne out. There can be little doubt that the applicant was engaged as casual and not as contract labourer. The question of payment of his wages should be settled on this basis and, as and when he becomes eligible for regularisation, the same may be considered according to the policy of the government and he should be absorbed, if otherwise not ineligible, in his turn subject to the availability of vacancies. This would be applicable in case of applicants 2 and 3 as well.

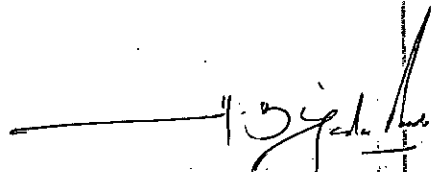
*[Signature]*

7.

are

Thus the OA and CP disposed of. No Costs.


  
(B.S. JAI PARAMESWAR)  
Member (J)  
8/7/98

  
(H. RAJENDRA PRASAD)  
Member (A)

Date: 8th July, 1998.

'SA'

Dictated in Open Court

  
Deputy Registrar  
22/7/98

O.A. 1295/97  
CP 40/98

To

1. The Station Director,  
All India Radio, Nizamabad.

2. The Director General,  
All India Radio, New Delhi.

3. ~~The Director General~~ *snrl. P. Madanathi,*  
~~All India Radio, New Delhi.~~ *Station Director All India Radio*  
*Nizamabad*

4. One copy to Mr. T.V.V.S. Murthy, Advocate, CAT. Hyd.

5. One copy to Mr. V. Vinod Kumar, Addl. CGSC. CAT. Hyd.

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

7. One spare copy.

pvm.

30/7/98

In the CAT-Hyd Bench. Hyd.

The Hon'ble Mr. H. Rajendra Prasad, J.

The Hon'ble Mr. B. S. Jaisankar, J.

Dated : 8-7-98.

Order

OA 1295/97

CP 40/98.

OA and CP. Disposed of

केन्द्रीय प्रशासनिक अधिकरण Central Administrative Tribunal दिल्ली / DESPATCH
27 JUL 1998
हैदराबाद बेंच HYDERABAD BENCH

Pl check with copy properly

sr.  
checked  
and corrected  
for



FORM NO. 21.

(Sec. Rule 114.)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH. HYDERABAD.

~~G.A./T.A~~ ..... *cf. 40/98. in* ..... 1998.  
*ON 12/9/98*  
*Mohd. Zahir Ali Khan* Applicant (s)  
Versus  
*The Station Director*  
*Nizamabad* Respondent(s)

INDEX SHEET

Serial No.	Description of documents and dates.	Pages.
Docket orders.	—	1
Interim orders	—	
Orders in M.A (s)	—	
Reply Statement	—	
Rejoinder	—	
ORDERS in(Final orders)	<i>8.7.98.</i>	<i>50-55</i>

Certified that the file is complete  
in all respects.

*3/8/98.*  
Signature of Dealing Hand.

(In record section)

Signature of S. O.

Central Administrative Tribunal Hyderabad Bench: Hyderabad.

CP No. 40/98w

D.A. No.

1295

of 1997.

Md. Zakir Ali Khan & 3 others

Applicants(s).

VERSUS.

Smt. P. Vedavathi, Station Director, All India Radio,  
Nizamabad.

(Respondents).

Date

Office Note

ORDER

19.3.98

List it on 30.3.98 before court

No. I.

JR  
HRS SP  
MS

HARV  
MA

PETITION FILED UNDER SEC.17 OF THE ADMINISTRATIVE TRIBUNAL'S  
ACT, 1985

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT :: HYDERABAD

C.P.NO. 40 OF 1998

in

O.A.No. 1295 of 1997

Between:-

1. Mohd. Zakiir Ali Khan.
2. J. Sekhar.
3. K. Posetty.
4. B. Siddi Ramulu.

... APPLICANTS

A N D

Smt. P. VEDAVATHI

1.

~~Director General AIR Delhi~~  
The Station, Director, All  
India Radio, Nizamabad.

- Director-General, All India Radio, New Delhi
2. Respondent No. 2 is not necessary to  
this Petition.

... RESPONDENTS

For the reasons stated in the accompanying affidavit,  
it is prayed that this Hon'ble Tribunal may be pleased to  
punish the respondent for deliberately and wilfully flouting  
the orders of this Hon'ble Tribunal dated 29.9.1997  
read with order dated 29.1.1998 in O.A.No.1295/97 in  
the interest of justice and pass such other order or orders  
as this Hon'ble Tribunal may deem fit and proper in the  
circumstances of the case.

For the reasons stated in the accompanying affidavit,  
it is prayed that this Hon'ble Tribunal may be pleased to  
direct the respondent to forthwith reengage the applicant on  
the same terms and conditions under which he was earlier  
working and pass such other order or orders as this Hon'ble  
Tribunal may deem fit and proper in the circumstances of  
the case.

Hyderabad,

Dated : 17.2.98

(Venkateshwar Rao)  
Counsel for the Applicant.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT :: HYDERABAD

C.P.NO. 40 OF 1998

in

O.A.No. 1295 of 1997

Between:-

Mohd. Zakir Ali Khan and others.

... Applicants

a n d

~~The~~

The Station Director, All India Radio,  
Nizamabad and another.

... RESPONDENTS

A F F I D A V I T

I, B. Siddi Ramulu, S/o. B. Babulingam, aged about 26 years, Casual Labour, in the Office of the Station Director, All India Radio, Nizamabad, now temporarily come down to Hyderabad, do hereby solemnly and sincerely affirm and state as follows:-

I am the fourth applicant in the above O.A. and as such I am well acquainted with the facts of the case. I submit that I along with three others have filed the above O.A. aggrieved by the action of the respondents in not conferring temporary status in terms of O.M.No. 51016/2/90-ESTT(C) dated 10.9.1993 issued by the Department of Personnel and Training even though we have fulfilled all the conditions laid down under the scheme and besides seeking to dispense with our services even though we have been working as casual labourers for over 2 to 4 years.

2. I submit that subsequent to the filing of this O.A. the first applicant left the service on account of his private affairs and as such I and two others have been discharging our duties. I submit that the Hon'ble Tribunal issued interim directions in the above O.A. on 29.9.1997. The Hon'ble Tribunal in the interim directions dated 29.9.1997 specifically directed the respondents to file Counter within 3 weeks and in the meanwhile the services

of the applicants shall not be terminated until the next hearing. The above said orders were extended from time to time. I<sub>n</sub> the meanwhile the respondents have filed counter in the above O.A. on 11.12.1997.

3. I submit that keeping in view the averments made in the counter the Hon'ble Tribunal issued orders on 29.1.1998 to the following effect:-

"A note is taken of the statement in the Counter Affidavit that the respondents have no intention of disengaging the applicants if work is available. It has to be assured that as the work has been available for the last several years, the same shall continue to be available to them in the normal course in the forceable<sup>ese</sup> feature<sup>u</sup> as well. List is on 30.3.1998.%<sup>2</sup>

4. I submit that in spite of the above specific directions the respondents have deliberately failed to allow me to work and discharged me from my duties from 1.10.1997 without any justification.

5. I submit that the respondents have deliberately and wilfully disobeyed the orders of the Hon'ble Tribunal in O.A.No.1295/97 ~~xxx~~ dated 29.9.1997 read with orders dated 29.1.1998. I submit that the impugned action of the respondents in wilfully disobeying the orders of the Hon'ble Tribunal amounts to disrespect to the authority of this Hon'ble Tribunal which cannot be permitted in a democratic society ordained by Rule of law. The Respondent has therefore committed contempt of Court under Section 17

of the Administrative Tribunal's Act, 1985 and as such she is liable to be punished.

It is therefore prayed that this Hon'ble Tribunal may be pleased to punish the respondent for deliberately and wilfully flouting the orders of this Hon'ble Tribunal dated 29.9.1997 read with order dated 29.1.1998 in O.A.No.1295/97 in the interest of justice.

Pending disposal of the above C.P., it is prayed that this Hon'ble Tribunal may be pleased to direct the respondent to forthwith reengage the applicant on the same terms and conditions ~~under~~ under which he was earlier working and pass such other order or orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

Solemnly and sincerely affirmed  
at Hyderabad on this 17<sup>th</sup> day of  
February, 1998.

  
DEPONENT

Before me

  
// ADVOCATE // HYDERABAD

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD

O.A. No. 95/97

Between:

Dt. of Order: 29.9.97

1. Mohd. Zakir Ali Khan
2. J. Sekhar
3. K. Posetty
4. J. Liddi Ramulu

...Applicants

And

1. The Station Director, All India Radio, Nizama
2. The Director General, All India Radio, New Delhi.

...Respondents.

Counsel for the Applicants : : Mr. T.V.V.S. Murthy  
Mr. K. Venkateswara Rao  
Counsel for the Respondents : : Mr. N.R. Devraj

COMES:

THE HON'BLE SHRI RH. RAJENDRA PRASAD, : MEMBER (A)

THE TRIBUNAL MADE THE FOLLOWING ORDER:

~~Rxxx992x22xixxdixpmedx8xrdxxxxxide~~

Heard Mr. T.V.V.S. Murthy, for the applicants and Mr. V. Vinod Kumar for the respondents.

Notice before admission. Reply to be filed within three weeks. In the meanwhile it is directed that the services of the applicants shall not be terminated until the next hearing.

Sd/-x x x  
DEPUTY REGISTRAR (J)

प्रमाणित हवि  
CERTIFIED TO BE TRUE COPY

न्यायालय अधिकारी  
COURT OFFICER  
केन्द्रिय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
HYDRA  
BENCH

B. Murthy  
Counsel

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

O.A.NO. 1295/97.

Date of Order: 25-11-97.

Between:

1. Mohd Zakir Ali Khan.
2. J. Sekhar.
3. V. Posett.
4. B. Siddi Kamulu.

and

1. The Station Director, All India Radio, Nizamabad.
2. The Director General, All India Radio, New Delhi.

Applicants



Respondents

For the Applicants: Mr. T.V.V.S. Murthy, Advocate.

For the Respondents: Mr. V. Vinod Kumar, Addl. OGSC.

COMAM:

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

The Tribunal made the following Order:-

Two weeks time is granted for filing counter affidavit at the request of the standing counsel for the respondents. The interim orders passed on 29-9-97 shall continue.

प्रमाणित प्रति  
CERTIFIED TO BE TRUE COPY

न्यायालय अधिकारी/उप रजिस्ट्रार (आदि)  
Court Officer/Dy. Registrar  
केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
हैदराबाद ब्याचपेट  
HYDERABAD BENCH

Deputy Registrar

To

1. The Station Director, All India Radio, Nizamabad.
2. The Director General, All India Radio, New Delhi.
3. One copy to Mr. T.V.V.S. Murthy, Advocate, CAT.Hyd.
4. One copy to Mr. V. Vinod Kumar, Addl. OGSC, CAT.Hyd.
5. One spare copy.

pvm.

*T. V. V. S. Murthy*  
Coppel



IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

O.A.NO. 1295/97.

Date of Order: 11-12-97.

Between:

1. Mohd. Zakir Ali Khan.
2. J. Sekhar.
3. K. Posetty.
4. B. Siddi Ramulu.

and

.. Applicant

1. The Station Director, All India Radio, Nizamabad.
2. The Director General, All India Radio, New Delhi.

.. Respondents.

For the Applicants: Mr. T.V.V.S. Murthy, Advocate.

For the Respondents: Mr. V. Vinod Kumar, Adml. CGSC.

CORAM:

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

The Tribunal made the following Order:-

List it on 17th December, 1997, for final hearing.

Interim orders to continue.

CERTIFIED TO BE TRUE COPY

15/12/97

Deputy Registrar

Central Administrative Tribunal

HYDERABAD BENCH

sd/-x x  
Deputy Registrar.

To

1. The Station Director, All India Radio, Nizamabad.
2. The Director General, All India Radio, New Delhi.
3. One copy to Mr. T.V.V.S. Murthy, Advocate, CAT. Hyd.
4. One copy to Mr. V. Vinod Kumar, Adml. CGSC. CAT. Hyd.
5. One spare copy.

pvm

S. Murthy  
counsel

Annex - CP IV

7

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH AT HYDERABAD

O.A.NO. 1295/97.

Date of Order: 17-12-97.

Between:

1. Mohd Zakir Ali Khan.
2. J. Sekhar.
3. K. Posetty.
4. B. Siddi Ramulu.

Applicants.

and

1. The Station Director, All India Radio, Nizamabad.
2. The Director General, All India Radio, New Delhi.

Respondents.

For the Applicants: Mr. T.V.V.S. Murthy, Advocate.

For the Respondents: Mr. V. Vinod Kumar, Addl. CGSC.

COUNSEL:

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

The Tribunal made the following Order:-

List it on 6th January, 1998 at the request of both the counsels. Interim order to continue.

प्रमाणित प्रति  
CERTIFIED TO BE TRUE COPY

Sd/-x x  
Deputy Registrar

प्रमाणित प्रति  
Copy of Dy. Registrar  
Central Administrative Tribunal  
HYDERABAD BENCH

To

1. The Station Director, All India Radio, Nizamabad.
2. The Director General, All India Radio, New Delhi.
3. One copy to Mr. T.V.V.S. Murthy, Advocate, CAT, Hyd.
4. One copy to Mr. V. Vinod Kumar, Addl. CGSC, CAT, Hyd.
5. One spare copy.

pvm.

Sd/-x x  
Deputy Registrar

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD  
O.A.NO. 1295/97.

Between:

Date of Order: 29-1-98.

1. Mohd. Zakir Ali Khan.
2. C. Sekhar.
3. K. Iosetty.
4. L. Siddi Hamulu.

and

.. Applicants

1. The Station Director, All India Radio, Nizamabad.

2. The Director General, All India Radio, New Delhi.

.. Respondents.

For the Applicants: Mr. T.V.V.S. Murthy, Advocate.

For the Respondents: Mr. V. Vinod Kumar, Addl. CGSC.

COMES:

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

The Tribunal made the following Order:-

Part-heard Mr. T.V.V.S. Murthy and Mr. V. Vinod Kumar.

Mr. Vinod Kumar will seek instructions as to why

it is persistently maintained in the counter-affidavit that there is no provision to engage casual labourers in AIR while Annexure R-1 filed by the respondents themselves clearly indicates that persons can be and are in fact engaged on daily wages on works of irregular casual, seasonal or intermittent nature. It is also seen from para-2 of the Ministry's D.O. letter dated 19-02-1997 that certain information had been gathered in respect of the number of such casual employees in the AIR. This would lead to the assumption that the Department is indeed aware of this problem and may probably be in the process of evolving a scheme to benefit casual labourers since the very same issue figured at a meeting chaired by the Hon' Minister. Has any progress been made on this?

Mr. Murthy on his part shall spell out clearly the exact nature of work performed by the applicants and the extent of their engagement on each day.

It is known that the Doordarshan and AIR had in the past evolved a scheme to regularise the services of casual artists, etc. Now that there is a reason to believe that casual labourers are engaged regularly in various Stations/Kendras, are there any plans under contemplation to evolve a similar scheme in respect of casual labourers, in the light of what may have been discussed at the meeting held on 6-1-97 (as seen from the Deputy Secretary, Min. of Information and Broadcasting d.o.d. 9.2.97 already referred to:

Annex - CP N

(9) (2)

-2-

A note is taken of the statement in the counter-affidavit that the respondents have no intention of disengaging the applicants if work is available. It has to be assumed that, as the work has been available for the last several years, the same shall continue to be available to them in the normal course in the foreseeable future as well.

List it on 30-3-1998.

प्रमाणित प्रति  
CERTIFIED TO BE TRUE COPY

न्यायाधीश प्रमाणित उप रजिस्ट्रार (स्वाक्षर)  
Court Officer/Dy. Registrar  
केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
हैदराबाद बेंच  
HYDERABAD BENCH

Sd/-x x

Deputy Registrar

To

1. The Station Director, All India Radio, Nizamabad.
2. The Director General, All India Radio, New Delhi.
3. One copy to Mr. T.V.V.S. Murthy, Advocate, CAT. Hyd.
4. One copy to Mr. V. Vinod Kumar, Addl. CGSC. CAT. Hyd.
5. One spare copy.

pvm

Ganapathy  
Counsel

- 1) order copies to be filed
- 2) summary when A.C. conf to be filed.
- 3) summary to be effected on the other side.

2/2/98

14 days limit

Sir,  
Resubmitted after compliance

Somaythy  
Counsel. 6/3/98



# Contempt Application

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD

C.P.No. of 1998

in

O.A.No. 1295 of 1997



CONTEMPT APPLICATION

\*\*\*

Received  
V.V.  
2/3/98

Peru Kumar Sudhakar  
on 2/2/98

Mr. T.V.V. S.M. Somaythy  
Mr. K. Venkateswara Rao,  
Counsel for the Applicant.

Sir,  
I undertake to serve copy of the C.P. on the counsel for Respondents, Sri Vinod Kumar Vabharadhy, Addl. CGSC.

Somaythy 19/2/98  
Counsel for the petitioner  
2/3/98