

27

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

O.A.No.149/97

Date of Order : 29.10.97

BETWEEN :

G.Nagamma

.. Applicant.

AND

1. The Supdt., Postal Stores Depot,  
Hyderabad.

2. The Chief Postmaster General,  
A.P.Circle, Hyderabad.

3. The Member (P), Postal Services,  
Board, New Delhi.

.. Respondents

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Counsel for the applicant

.. Mr.S.Ramakrishna Rao

Counsel for the Respondents

.. Mr.N.V.Raghava Reddy

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CORAM:

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

O R D E R

X As per Hon'ble Shri R.Rangarajan, Member (Admn.) ) (

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Mr.S.Ramakrishna Rao, learned counsel for the applicant and Mr.N.V.Raghava Reddy, learned standing Counsel for the respondents.

2. The applicant in this OA was engaged as a part-time Sweeper in Postal Stores Depot, Hyderabad w.e.f. 22.9.73 on consolidated allowances of Rs.44-60ps. It is stated that she is in continuous service eversince and she is getting consolidated allowance from time to time. She represented her case to appoint her in a Group-D post as she is performing the duties of Group-D post of Sweeper whenever <sup>the</sup> regular employees are not available. The applicant made representation to R-1 on 27.3.92 to consider her case for

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two vacancies existing in Group-D category and to appoint her in that post. R-1 disposed of her representation by letter No. N/Rectt & Promotions/Group.D/Dlgs dated 7.5.96 (page-3) stating that as the applicant was not engaged by the department as part-time casual labourer through the agency of Employment Exchange, her case cannot be considered. Aggrieved by the above she once-again filed an appeal to R-2 on 17.5.96 to consider her case for promotion/regularisation in the next grade Group-D, which was also rejected by letter No. PF/PT/Sweeper/96, dated 23.9.96.

3. This OA is filed praying for a direction to the respondents to regularise her services conferring on her temporary status with all consequential benefits fully promoting her to Class-IV (Group-D) in vacancies available/next vacancy.

4. In this connection the observation of the Supreme Court in Civil Appeal No. 360 & 361/94 in S.L.P.C.8045/97 (C.C.1269/95) decided on 2.4.97 is relevant. It is observed in the Civil Appeal as follows:-

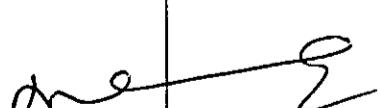
"It is however stated before us by the learned counsel for the appellants that the priorities for absorption in Group-D posts which were set out in the letter of 17.5.89 are still in force and that part-time casual labourers are also entitled to absorption as per said law. The scheme of 12.4.91 is merely for the purpose of conferring temporary status to fulltime casual labourers. It does not take away the benefit of the absorption conferred on part-time casual labourers in terms of the letter of 17.5.89. The has also pointed out that it is difficult to confer temporary status on part-time casual labourers. However, they will be absorbed in accordance with the priorities set out in the letter dated 17.5.89 provided they fulfil the eligibility criteria".

5. From the above it is evident that the part-time casual labourers are to be absorbed in accordance with the priority set out in letter of 17.5.89 provided they fulfil the eligibility criteria. Hence the case of the applicant for regularisation should be considered as per the letter dated 17.5.89.

6. The representation of the applicant for regularisation was rejected on account of the fact that she was not sponsored through Employment Exchange when she was initially engaged as a part-time casual labour. The DOP in letter No.49014/18/84-Estt(c) dated 7.5.85 forwarded under DOT No.269/40/85-Stn, dated 14.6.85/17.6.85 had relaxed the condition of sponsorship by the Employment Exchange for those casual labourers recruited before the issue of those instructions referred to above for regular appointment in Group-D posts. Those instructions will equally hold good in regard to the sponsorship of the Employment Exchange for part-time casual labour. The applicant was engaged as part-time casual labour on 22.9.73. Hence in view of the above instructions her case should be considered even though she was not sponsored by the Employment Exchange at the time when she engaged as a part-time casual labour in 1973.

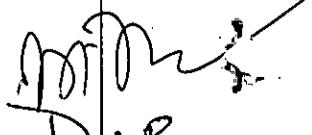
7. In view of the above the respondents are directed to consider the case of the applicant for regularisation in accordance with the letter dated 17.5.89 <sup>the applicant</sup> provided they fulfil the eligibility criteria. The case of the applicant should not be rejected if she was not sponsored by the Employment Exchange in view of the instructions of the DOT based on DOP referred to above.

8. The OA is ordered accordingly. No costs.

  
( R. RANGARAJAN )  
Member (Admn.)

Dated : 29th October, 1997

(Dictated in Open Court)

  
D. R.

OA.149/97

Copy to:-

1. The Superintendent of Postal Stores Depot, Hyderabad.
2. The Chief Postmaster General, A.P. Circle, Hyderabad.
3. The Member (P), Postal Services, Board, New Delhi.
4. One copy to Mr. S.Ramakrishna Rao, Advocate, CAT., Hyd.
5. One copy to Mr. N.V.Raghava Reddy, Addl.CGSC., CAT., Hyd.
6. One copy to D.R.(A), CAT., Hyd.
7. One duplicate copy.

sri

11/11/97  
18  
TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD

THE HON'BLE SHRI R.RANGARAJAN : M(A)

AND

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

Dated: 29-10-97

ORDER/JUDGMENT

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

in  
O.A.NO. 149 /97

Admitted and Interim Directions  
Issued.

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

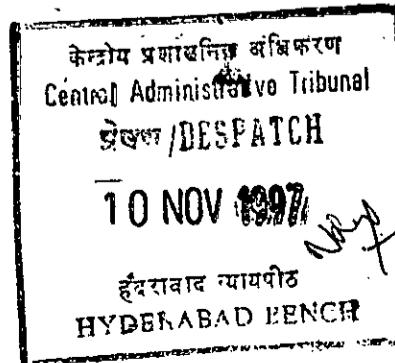
Dismissed for Default

Ordered/Rejected

No order as to costs.

YLR

II Court



FORM NO. 21.

(Sec. Rule 114.)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH, HYDERABAD.

.....18/98/M.OA.....149/97..... 199

.....G. Nagamuni..... Applicant(s).

Versus.

.....K. Laxmanna Rao, Subst. of Postal Staff  
.....Deft. .... No. 4..... Respondent(s).

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Certified that the file is completed

in all respects.

Signature of dealing Head.

(in Record Section)

Signature of S.O.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

C.P.118/98

in  
O.A.149/97

Date of Order: 31.12.98

BETWEEN :

G.Nagamma

.. Applicant.

AND

1. Sri K.Rameswara Rao,  
The Superintendent of  
Postal Stores Depot,  
Hyderabad.

2. Sri A.V.B.Menon,  
The Chief Postmaster General,  
A.P.Circle, Hyderabad.

3. Sri P.Bhagawandas,  
The Member (P),  
Postal Services Board,  
New Delhi.

.. Respondents.

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Counsel for the Applicant

.. Mr. S.Ramakrishna Ra

Counsel for the Respondents

.. Mr. B.N.Sharma

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CORAM :

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

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

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O R D E R

As per Hon'ble Shri R.Rangarajan, Member(Admn.)

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Mr.S.Ramakrishna Rao, learned counsel for the applicant and Mr.B.N.Sharma, learned standing counsel for the respondents.

2. The learned counsel for the respondents produced a letter addressed to the applicant in regard to consideration of her case for the post of test category. That letter dated 27.4.98 after the issue of the judgement was received by her as can be seen from her acceptance of that letter. Hence there is ~~lack~~<sup>lack</sup> no ~~lack~~<sup>lack</sup> on the part of the respondents in the complaince. of the judgement.

3. It is stated for the respondents that there are no vacancies of non-test category Group-D official at present and such a ~~vacancy~~<sup>vacancy</sup> is arise in 2000 year. The submission of the applicant that her juniors were appointed in non-  
~~an~~  
test category and ~~there~~ is ~~no~~ infringement of the judgement,  
~~as~~  
~~But~~ those appointments were made earlier to the date of judgement. Hence those cases cannot be quoted for proceeding with this CP.

4. In view of what is stated above CP is closed. But the respondents are directed to keep the name of the applicant

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in the proper register for consideration of her case as per rule for appointment against non-test category as and when it arises in future.

5. The letter dated 27.4.98 is taken on record.

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

~~31.12.98~~

~~( R.RANGARAJAN )~~  
~~Member (Admn.)~~

Dated : 31st December, 1998

(Dictated in Open Court)

sd

*Amulya*  
*4-1-98*

13/1/99

II COURT

Copy to : -

TYPED BY  
COMPARED BY

CHECKED BY  
APPROVED BY

D.D.R (A)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN : M(A)

2) Space

AND

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

DATED: 31/12/98

ORDER/JUDGMENT

MAT/R.A./C.P. No. 118/98

in

CA. NO. 149/92

ADMITTED AND INTERIM DIRECTIONS ISSUED

ALLOWED

CP closed

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

SRR

copied

केन्द्रीय प्रशासनिक अधिकारण  
Central Administrative Tribunal  
प्रेषण / DESPATCH

11 JAN 1999

हैदराबाद न्यायालय  
HYDERABAD BENCH