

22

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:

AT HYDERABAD

D.A. No. 1569 OF 1997.

DATE OF ORDER: 24-2-1999.

BETWEEN:

1. Lingaiah.
2. Sudhakar Rao.
3. Narsing Rao.
4. Venkatesh.
5. Shankeraiah.

..... Applicants

and

1. The Deputy Director General of Military Farms, Head Quarters, Southern Command, Kirkee, Pune, 411 003.
2. The Deputy Director General of Military Farms, QMG Branch, NNC RK Puram, West Block-III, New Delhi-110 002.
3. The Officer-Incharge, Military Farm, Bowenpally, Secunderabad.
4. Shri Narsimhulu, s/o Ramulu, C/o Military Diary Farm, Bowenpally, Secunderabad.

..... Respondents

COUNSEL FOR THE APPLICANTS :: Mr. Harendra Pershad

COUNSEL FOR THE RESPONDENTS :: Mr. V. Vinod Kumar

CORAM:

THE HON'BLE SRI R. RANGARAJAN, MEMBER (ADMN)

A N D

THE HON'BLE SRI B. S. JAI PARAMESHWAR, MEMBER (JUDL)

: ORDER :

ORAL ORDER (PER HON'BLE SRI R. RANGARAJAN, MEMBER (A))

None on both sides. Notice has been served on R-4. Called absent.

R



.....2

2. There are five applicants in this OA. They were engaged as casual labourers to work in the Military Diary Farm as Farm Hands in different years commencing from 1-8-1988 to 1-1-1991. The applicants submit that this general procedure which is followed in regularising the casual labourers is that, after completing 240 days, the persons working as casual labourers become eligible to be appointment as Group-'D' staff and a Provisional Selection Order is to be issued to the said effect in the initial pay of Rs.750/- in the pay scale of Rs.750-940 Plus usual allowances. It is also submission of the applicants that a Committee consisting of Gazetted Officer is formed as Chairman, who would send the eligible persons for appointment as mentioned above and their cases will be considered after sending call letters to the eligible candidates as per recommendations. They are then interviewed and a select panel is displayed. In the year 1991, the then Officer-Incharge, Military Farm, Secunderabad, sent a letter to the Employment Exchange, Ranga Reddy District i.e., on 30-4-1991, projecting to fill about 60 posts of Farm Hands which actually never existed as on that date. The Employment Exchange in turn sent about 85 names which included about 13 names of casual Farm Hands, who are juniors to about 50 applicants, who are working since 1988 as casual Farm Hands. The applicants submit that, inspite of several representations, no action has been taken to rectify the mistake then.

.....3

2

1

3. By Proceedings No.080308/E/MF-2, dated:8-3-1997, which is enclosed as Annexure-I to the OA, the 4th respondent was offered an appointment as a regular Group-'D' Ground Staff as Farm Hand. By that Order, it is stated, nearly 30 applicants have been ignored, which is totally arbitrary and illegal for the reasons that 1991-92 list which was kept in abeyance till March,1997 is being given effect contrary to the latest pronouncement of the Supreme Court, reported in 1996(6) SCALE 676 in THE EXCISE SUPERINTENDENT, MALKAPATNAM, KRISHNA DISTRICT Vs KBN.VISHWESHWAR RAO & OTHERS.

4. This OA is filed for a declaration that the action of the respondents in adopting the pick and choose method in ^{the} selection of several persons as Farm Hands, who are juniors to atleast 30 persons, which is contrary to Article 14 and 16 of the Constitution of India, and for a consequential declaration that the impugned Proceedings No.080308/E/MF-2, dated: 8-3-1997, issued by Respondent No.1 to Respondent No.4, is void, and for ^{an} further consequential direction to recruit the persons by notifying the vacancies as per the Law laid down by the Supreme Court referred to above.

5. A reply has been filed in this OA. The respondents submit that ^{only} the sponsored candidates through Employment Exchange are being selected by R-3, and this procedure adopted by the Farm is as per laid down orders. The candidates sponsored by the Employment Exchange were

R

D

.....4

called for Interview in the office of the Respondent No.3 on 30-5-1992, and accordingly the Employment Exchange was intimated and the recruitment was made. Hence, the respondents deny the allegation of the applicants in this regard. The Respondent No.4 was appointed on that basis some time in March, 1997. The respondents also submit that there is no selection of daily labourers through Selection Committee or Board as contended by the applicants.

6. The appointment of a regular Group-'D' staff is to be done by a widely circulated notification. This is in accordance with the Judgment of the Supreme Court in THE EXCISE SUPERINTENDENT, MALKAPATNAM, KRISHNA DISTRICT Vs K.B.N.VISHWESHWAR RAO & OTHERS (reported in 1996(6) SCALE 676). That Judgment was issued in the year 1996. Hence, the laid down procedure adopted earlier to 1996 for recruitment of Group-'D' staff/ Daily Casual Labourers are to be followed for earlier recruitment. In the year 1992, the recruitment was done on the basis of the candidates sponsored by the Employment Exchange submits the respondents. Hence, that recruitment cannot be challenged. Even if it has to be challenged, the applicants should have come to this Tribunal immediately after the issue of the selection list way back in 1992 or 1993. But unfortunately they approached this Tribunal only on 26-9-1997. Hence, setting aside that select list may not be in order. However, for vacancies that arise in future

.....5

-5-

wide publicity should be given and the casual labourers in the Farm Hands should also be allowed to apply for the selection. On the basis of a regularly selected list, the recruitment to the Group-'D' staff should be made.

7. With the above direction, the OA is disposed of. No costs.

Parameswar *me*
~~(B.S.JAI PARAMESHWAR)~~ ~~MEMBER (JUDL)~~ ~~(R.RANGARAJAN)~~
~~MEMBER (ADMN)~~

DATED: this the 24th day of February, 1999

Dictated to steno in the Open Court

Amby
13/2/99

DSN

Copy to:

1. HDHND
2. HHRP M(A)
3. HSSJP M(B)
4. D.R. (A)
5. SPART

Typed By
Compared by

Checked by
Approved by

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD.

THE HON'BLE MR. JUSTICE D.R. KASIR:
VICE - CHAIRMAN

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

THE HON'BLE R. RANGARAJAN
MEMBER (A)

THE HON'BLE MR. S. S. JAI PARAMESHWARI
MEMBER (B)

DATED: 24/2/99

ORDER/ JUDGMENT

RECORDED

1. ALLOWED

2. DISMISSED

3. DISMISSED AS WITHDRAWN

4. ORDERED/ REJECTED

5. NO ORDER AS TO COSTS

M.A./3.A.C.P.NO.

DATE: 15/2/99

FILE NO: 1569/97

ADMITTED AND INTERIM DIRECTIONS
ISSUED.

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/ REJECTED

NO ORDER AS TO COSTS

8 copies

केन्द्रीय प्रशासनिक विधिकरण
Central Administrative Tribunal
इंतजाम / DESPATCH

11 MAR 1999

हैदराबाद व्यापीह
HYDERABAD BENCH

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT HYDERABAD
M.A.NO. 1060 OF 1997
in
O.A.SR.No.3138 OF 1997

Between:

1. Shri Lingaiah
s/o Pochaiiah,
aged 40 years.,
2. Sudhakar Rao s/o
Surya Rao, aged 38 years.,
3. Narsing Rao s/o Shanker,
aged: 36 years.,
4. Venkatesh s/o Venkatappa
aged. 35 years.,
5. Shankeraiah s/o Rajaiah
aged 32 years.,

...Applicants

All are working of Military Diary Farm
Bowenpally Military Diary Farm, Secunderabad.

AND

1. The Deputy Director General of Military
farms Headquarters, Southern, Command, Kirkee,
Pune 411 003.
2. The Deputy Director General of Military Farms
QMG Branch, ANC RK Puram, West Block III,
New Delhi. 110 002.
3. The Officer Incharge, Military Farm, Bowenpally,
Secunderabad.
4. Shri Narsimhulu s/o Ramulu, c/o Military
Dairy Farms, Bowenpally Secunderabad.

....Respondents

U/s. 4(SA) & Cr. Rule.

BRIEF FACTS OF THE CASE:

1. The applicants in the present O.A. are all persons working in Bowenpally Military Farm, Secunderabad. The present O.A. is filed questioning the Proceedings No.080308/E/MF-2 dt. 8.3.97 issued by the respondents regularising the services of the 4th respondents.
2. The Applicants herein above, therefore, pray this Honourable Court/Tribunal to dispense with the formality of filing separate O.A.s, individually by the applicants and permit them to file a common O.A. in the interest of justice and pass

Single O.A. Petn.
Hyderabad District

IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL AT HYDERABAD.

M.A.NO. of 1997
in

O.A.SR.No. of 1997



Single O.A. Petn.
DISPENSED WITH PETITION

Filed on:

Recd.
Babu
N.R. Derry
ANR

Filed by: M/s. HARENDER PERSHAD &
N. VIJANDER REDDY

ADVOCATES
Counsel for Petitioners

Case filed
26/9/97

such other order or orders as this Honourable Tribunal may deem fit and proper in the circumstances of the case.

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

I, Shri Lingaiah s/o Pochaiah, 2. Sudhakar Rao s/o Surya Rao 3. Narsingrao s/o Shanker 4. Venkatesh s/o Venkatappa 5. Shankeraiah s/o Rajaiah, all are working Bowenpalli Diary Farms, Secunderabad, do hereby declare that the facts mentioned above are true and correct to my personal knowledge and that I have suppressed any material facts.

Signature of Applicant

1. M. S. R. S.

2. C. N. D. S.

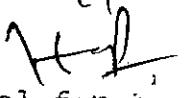
3.

4. B. Venkatesh

5. B. S. Rao

Hyderabad

Date: 26/9


Counsel for Applicants

MA. 1060/97 in O.A. Sr. 3138/97

20/11/97.

पूर्ण/ORIGINAE

None for the applicant.

Mr. V. Vinod Kumar for the
respondents -

The MA is not opposed.
Under the circumstances
referred to the MA is allowed
~~as~~ as prayed for.
Register the OA if otherwise
in order and list it for
admission on 21-11-97.

✓
HRSJSR
m(j)

D
HRRN
m(j)

पूर्ण केस/BENCH CASE
CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD.

M.L. NO. 1060 OF-1997

IN

O.A. SR. NO. 3138 OF 1997

SINGLE O.A. PETITION

Mr. Harendra Prasad
COUNSEL FOR THE APPLICANT.

AND

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

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL AT HYDERABAD
M.A. NO. 1059 OF 1997
in
O.A.SR. NO. 3138 OF 1997

Between:

1. Shri Lingaiah s/o Pochaiah
aged 40 yrs.,
2. Sudhakar Rao s/o Surya Rao,
aged 38 yrs.,
3. Narasing Rao s/o Shanker,
aged 36 yrs.,
4. Venkatesh s/o Venkataappa,
aged 35 yrs.,
5. Shankaraiah s/o Rajaiah, aged
32 yrs.,

All are working in Military
Diary Farm, Bowenpalli Military
Diary Farm, Secunderabad

.. Petitioners/
Applicants

and

1. The Dy Director General of Military
Farms, Headquarters, Southern Command,
Kirkee, Pune 411 003
2. The Deputy Director General of Mili-
tary Farms QMG Branch, ANC RK Puram,
West Block III, New Delhi 110 002
3. The Officer Incharge, Military Farm,
Bowenpalli, Secunderabad.
4. Shri Narasimhulu s/o Ramulu c/o
Military Diary Farms, Bowenpalli,
Secunderabad.

.. Respondents/
Respondents

U/S. S(4) of CAT Rule 1985

Brief facts of the case:

It is submitted that the applicants have filed the above O.A. questioning the action of the respondents in regularising the services of some of the persons who are juniors and were appointed subsequently to the ~~respondent~~ applicants.

It is further submitted that the said O.A.S.R. 3138/97 was filed on 26.9.97 and the same was returned with certain objections by the Office on 30.9.97 which was received by the counsel for the applicants only on 21.10.97.

It is submitted that the above delay in receiving the O.A.S.R. is because of the clerk of the counsel herein

To condone the
delay of 15 days
in representation.

Hyderabad District
in representation
IN THE CENTRAL ADMINISTRATIVE
TRIBUNAL AT HYDERABAD

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : AT : HYDERABAD



CONDONE DELAY REPRESENTATION Petiti

and the 3000' and 4000' elevations. The lower part of the valley is open for grazing and contains a number of ranches and small settlements.

Filed on:

Filed by:

HARENDE PERSHAD
N.VIJENDER REDDY
Advocates

Counsel for petitioners/Applicants

my wife
and I
are going
to see

was not attending the office since there was a bereavement in his family and hence could not receive the above S.R. to comply with the same and resubmit the same.

It is due to the above reasons the above OASR could not be complied with and therefore there is a delay.

It is therefore, prayed that this Hon'ble Court/Tribl. may be pleased to condone the delay of 14 days in representing the above S.R. in the interest of justice.

VERIFICATION

I, S.Venkat Reddy, s/o S.Nawaz Reddy aged 28 yrs. occ: Advocate Clerk, do hereby declare that the facts mentioned above are true and correct to the best of our personal knowledge and that we have not suppressed any material facts.

S. Venkat Reddy
Signature for Applicat

Reddy
Signature of the ^{each} petitioners/applicants.

18/11/97

पूँजी/ORIGINAL

D.R. Court

रक्षा/DEFENCE

बैच केस/BENCH CASE

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD.

M.A. NO.

1059 OF 1997.

IN

D.A.S.R. NO.

3138 OF 1997

This MA is to
condone the delay of
15 day in re-presentation
is allowed.


Dy. Reg.

To condone the delay of 15 days
in representation.

Mr. Harendra Boasad

COUNSEL FOR THE APPLICANTS.

AND

Mr. _____

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