

(21)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

OA NO- 1624/97

AT HYDERABAD

O.A. NO. 3952/97

Date of Order : 5.12.97

BETWEEN:

1. Ch. Biksham
2. P. Srinivasa Rao
3. D. Hanumanth Rao
4. P. Veeraiah

.. Applicant.

AND

1. The Telecom District Engineer,
Nalgonda Dist., A.P.
2. The Chief General Manager, A.P.
Circle, Doorsanchar Bhavan,
Hyderabad.
3. Union of India, rep. by the
Director General Telecommunication,
Delhi.

.. Respondents.

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Counsel for the Applicant

.. Mr. P. Nageswara Rao

Counsel for the Respondents

.. Mr. K. Ramulu

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CORAM:

HON'BLE SHRI H. RAJENDRA PRASAD : 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 B.S. Jai Parameshwar, Member (Judl.) }

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Mr. P. Nageswara Rao, learned counsel for the applicant
and Ms. Shama for Mr. K. Ramulu, learned standing counsel for the
respondents.

Jai

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2. There are four applicants in this OA. In response to an advertisement for the posts of Telephone Operators in Nalgonda division, the applicants were selected and deputed for training. After completion of training they were appointed as Reserved Trained Pool Telephone Operators from 15.6.1984. It is submitted that though they have been working ~~as~~ since then they have not been regularised in that post.

3. Hence they have filed this OA praying for a direction to declare that the applicants are entitled for regular appointment as Telephone Operators with effect from the date on which they joined as Reserved Trained Pool Telephone Operators i.e. from 15.6.84 with all consequential benefits such as seniority, etc., as per the judgement in O.A.952/92 and O.A.739/93.

4. At the time of admission hearing, the learned counsel for the respondents brought to our notice the decision of the Hon'ble Supreme Court in the case of Union of India and another Vs. K.N. Siva Das and others reported in 1997 Supreme Court Cases (L&S) 1592 and submitted that the applicants were not entitled to the relief claimed for in the OA.

5. The applicants themselves compare with Short Duty staff. In the case cited above the Hon'ble Supreme Court considered and held that the RTPs are claiming benefits for a period for which a similar benefit has not been conferred on casual labourers under the Casual Labourers (grant of temporary status and regularisation) Scheme and further the Hon'ble Supreme Court observed that the eligibility is related to five years service in the cadre. Any service which was rendered prior to regular appointment in the cadre, cannot count for the purpose of this rule because it cannot be considered as service in any eligible cadre. Thus the Hon'ble Supreme Court held that the Tribunal was wrong in granting to RTPs the benefit of service rendered

by them prior to their regular appointment, for the purpose of their eligibility to appear for the departmental promotion examination.

6. In view of this no direction can be issued by this Tribunal in the matter except that the department is free to examine their cases and take a suitable decision if any special provision exists provided the applicants submit a representation in this regard within a reasonable time.

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


(B.S. JAI PARAMESHWAR)

Member (Judl.)

S.12.97

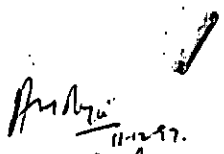

(H. RAJENDRA PRASAD)

Member (Admn.)

Dated : 5th December, 1997

(Dictated in Open Court)

sd


Deputy Registrar

-4-

O.A.1624/97.

To

1. The Telecom District Engineer,
Nalgonda Dist. A.P.
2. The Chief General Manager, A.P.Circle,
Doorsanchar Bhavan, Hyderabad.
3. The Director General Telecommunications,
Union of India, ~~New~~ Delhi.
4. One copy to Mr.P.Nageswara Rao, Advocate, CAT.Hyd.
5. One copy to Mr.K.Ramulu, Addl, CGSC. CAT. Hyd.
6. One copy to HBSJP.M.(J) CAT.Hyd.
7. One copy to D.R.(A) CAT.Hyd.
8. One spare copy.

pvm

16/12/97

I. Court

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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)

The Hon'ble Mr. B. S. Rajaramanellu: M(C)

DATED: 5-12-1997

ORDER/JUDGMENT:

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

O.A.No. 1624/97 in

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

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.

