

50

CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : AT HYDERABAD.

O.A.No. 1684 of 1997.

Date of Order:- 17th August, 1998

Between :

1. B. Sri Rammurthy Naidu
2. G.V.S.Nagaraju
3. Ch.Trinadha Rao
4. K. Ramana Rao
5. B.S.V.Srinivasa Rao
6. J. Venkata Rao
7. B.Surya Rao
8. Chandan Behara
9. G. Rama Rao
10. V. Nagasatya Rao
11. N. Krishna Murthy

.... Applicants

And

1. The Chairman,
Telecom Commission, New Delhi-110001.
2. The Director General,
Telecommunications,
New Delhi-110 001.
3. The Chief General Manager,
Telecommunications, A.P. Circle,
Abids, Hyderabad.
4. The Telecom District Manager,
Srikakulam.
5. The Superintendent (Tele-Traffic),
O/o. Telecom District Manager,
Srikakulam.
6. The General Manager,
Telecommunications,
Visakhapatnam Area,
Visakhapatnam.

... Respondents

Counsel for applicants ... Mr. V. Venkateswara Rao
Counsel for respondents ... Mr. N. R. Devaraj, SrCGSC

Coram :

Honourable Mr. H. Rajendra Prasad, Member (Admn.)

Honourable Mr. B.S.Jai Parameshwar, Member(Judl.)

R

Contd....

O R D E R.

B.S.Jai Parameshwar, Member(J) :

Heard Mr. V. Venkateswara Rao, learned counsel for the applicants and Mr. N.R. Devaraj, learned Standing Counsel for the respondents.

2. This is an application under Section 19 of the Administrative Tribunals Act. The application was filed on 8.12.1997.

3. There are 11 applicants in this O.A. They are all working as casual labourers on daily wage basis in the respondent department. Their dates of engagement and places of work are described in Annexure-1 to the O.A. They were engaged as casual labourers between 26.3.1992 and 6.10.1993. They submit that they have been entrusted with the work of delivery of telegram messages and other duties attached to the Group 'D' post in the respondent department. They submit that they have worked continuously for 240 days in a year between the said period. They submit that the work entrusted to them by the department is continuous and perennial in nature. However, they submit that the respondents caused intermittent breaks during the above said period to deprive them of the continuity of service.

4. The rely on the Casual Labourers (Grant of Temporary Status and Regularisation) Scheme, 1989 (Annexure-IV). They rely on the order dated 4.5.1988 passed in O.A.No.529/88 on the file of the Principal Bench of this Tribunal (Sunder Lal v. Union of India and others).

5. The applicant No.1 submitted a representation (copy of the representation is not enclosed to the O.A.) for regularisation of his casual service. The respondent No.5 by his letter dated 12.11.1997 informed the applicant No.1 that his request cannot be acceded to and was further informed that the flow of telegraph traffic has been drastically reduced and that he could be called for delivery of telegrams

on hourly basis whenever required.

6. The applicants have filed this O.A. praying to call for the records pertaining to letter No.ESA.7/CAT dated 12.11.1997 issued by the respondent No.5 and to quash the same as illegal, arbitrary, unconstitutional and violative of principles of natural justice by declaring that the applicants are entitled for grant of temporary status and regularisation of their service by applying the Casual Labourers (Grant of Temporary Status and Regularisation) Scheme, 1989 to them with all consequential benefits, such as seniority, arrears of pay and allowances etc.

7. On 18.12.1997 an interim order was passed directing the respondents to continue the applicants in the casual service if the work was available to be performed by them in preference to any daily rated casual mazdoors from outside market or any outsiders.

8. The respondents have filed their counter from which it is disclosed that the applicants had earlier approached this Tribunal on various occasions. They ^{had} filed O.A.No.412/95, O.A.No.800/96, C.P.No.50/97 and O.A.No.1628/97 and also caused legal notice to the respondent department. The respondents rely on the decisions of this Bench in O.A.No.230/96 decided on 26.6.96, O.A.No.590/96 decided on 10.12.97 and OA No.382/97 decided on 26.12.97. They also rely on the decision of this Bench in O.A.No.1080/95 decided on 30.4.1998. Their main contention is that the applicants are not eligible to be regularised under the Scheme, 1989.

9. The contention of the respondents that the applicants, are not eligible to be regularised under the Scheme, 1989 has to be accepted; because the said scheme came into force on 1.10.1989 and it is applicable to those casual labourers who were engaged prior to 22.6.1988, those who had worked continuously for a period of 240 days in a particular year and those who were sponsored through the Employment Exchange


R

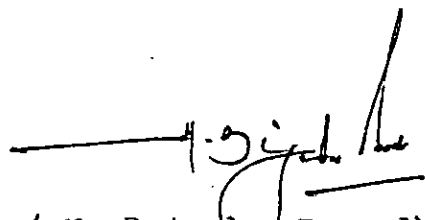
The applicants herein were engaged between 26.3.1992 and 6.10.1993. Therefore, their claim for regularisation of their casual service under the scheme 1989 is not tenable.

10. The directions given by this Tribunal in O.A.No.1080/95 decided on 30.4.1998 are aptly applicable to this case. The respondents department may evolve a scheme for regularisation of those casual labourers who were engaged after the cut-off date i.e. 22.6.1988.

11. The applicants have been continuing to serve the department by virtue of the interim order dated 18.12.1997. We feel it proper to direct the respondents not to disengage the applicants till they take a final decision in the matter of regularisation of the casual labourers who were engaged after 22.6.1988. If, in any eventuality, the respondents were to terminate the services of the applicants for want of work or for any other reason, then they shall ^{follow the prescribed procedure of issuing notice and} maintain a live register of the retrenched casual labourers in their office and provide work to the applicants, whenever the work is available with the department, as per their turn.


12. With the above directions, the O.A. is disposed of.
No order as to costs.


(B.S. Jai Parameshwar)
Member (J) 2.8.98


(H. Rajendra Prasad)
Member (A)

Dated the 17th August, 1998.

DJ/


Deputy Registrar

O.A. 1684/97

To

1. The Chairman, Telecom Commission,
New Delhi-1.
2. The Director General,
Telecommunications, New Delhi-1.
3. The Chief General Manager,
Telecommunications, A.P.Circle,
Abids, Hyderabad.
4. The Telecom District Manager,
Srikakulam.
- ~~5. The Telecom District Manager,~~
5. The Superintendent (Tale-Traffic)
O/o Telecom District Manager,
Srikakulam.
6. The General Manager, Telecommunications,
Visakhapatnam Area, Visakhapatnam.
7. One copy to Mr. V.Venkateswar Rao, Advocate, CAT.Hyd.
8. One copy to Mr.N.R.Devraj, Sr.CGSC. CAT.Hyd.
9. One copy to HBSJP.M.(J) CAT.Hyd.
10. One copy to DR(A) CAT.Hyd.
11. 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: - -1998.

ORDER/JUDGMENT

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

in

O.A.No.

T.A.No. (w.p.)

Admitted and Interim directions
issued.

Allowed.

Disposed of with directions

Dismissed.

Dismissed as withdrawn.

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

pvm.