

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:
HYDERABAD

O.A.No.73 of 1999.

DATE OF ORDER:27-9-1999.

BETWEEN:

Smt.Hayath Bee.

...Applicant

a n d

1. Union of India, rep. by the Chief Postmaster General, Hyderabad.
2. The Sub-Divisional Inspector(Postal), Piler Sub-Division, Piler-517 214, Tirupathi Division, Chittoor Division.
3. The Superintendent of Post Offices, Tirupathi Division, Tirupathi, Chittoor District.
4. The Sub-Postmaster, Piler-517 214, Tirupathi Division, Piler.
5. Smt.S.Fatima, Contingent Sweeper, Sub-Post Office, Piler, Tirupathi Division, Piler-Post, Chittoor District.

....Respondents

COUNSEL FOR THE APPLICANT :: Mr.V.Jagapathi

COUNSEL FOR THE RESPONDENTS :: Ms.Shyama for R1 to R4

: Mr.V.Suryanarayana Sastry for R-5

CORAM:

THE HON'BLE SRI JUSTICE D.H.NASIR, VICE CHAIRMAN

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

: ORDER :

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

Heard Mr.V.Jagapathi, learned Counsel for the Applicant, Ms.Shyama, learned Standing Counsel for the Official Respondents and Mr.V.Suryanarayana Sastry, learned Counsel for the Private Respondent No.5.

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2. Earlier the applicant herein had filed OA.No.73 of 1999 on the file of this Bench praying for ~~continuance of~~ the applicant to perform her duties on contingent basis as Sweeper. That OA was disposed of at the admission on 18-1-1999 stage itself/by the following Order:-

"We are of the view that the basic impugned action was high-handed. Considering the over-all facts of this case, it is directed that the applicant should be restored to the job which she was performing prior to her termination on 04-06-1998 with immediate effect, or at any rate within a fortnight. We are also conscious at the same time that Respondent No.5 too deserves some consideration in view of the fact that she herself is appointed on compassionate grounds. It is therefore directed that within a month after the reinstatement of the applicant to her previous post, Respondent No.5 should also be provided with a similar job anywhere in the division, preferably within the same town where she is working at present. Timely compliance will be strictly ensured. As regards the regularisation of the services of the applicant, the same shall be examined as per law and departmental instructions in this regard and necessary decision shall be taken within 90 days from the date of her reinstatement."

3. Aggrieved by that Order, Respondent No.5 in that OA filed a Writ Petition bearing WP.No.5340 of 1999 on the file of the Appellate Court complaining that the OA was disposed of without hearing her ie., Respondent No.5. That OA was remitted back by the Appellate Court

with the following Order:-

"The writ petitioner herein was the fifth respondent and the matter relates to appointment to the post of Sweeper. Admittedly, the fifth respondent herein, who was the petitioner in OA.No.73 of 1999 was seeking the post held by the writ petitioner. In fact, after passing of the order, the writ petitioner was sought to be dislodged from her post in view of the orders passed by the Central Administrative Tribunal on 18-1-1999 in OA.No.73 of 1999. If that be the case, the petitioner was certainly the aggrieved party and what is more, she was arrayed as the fifth respondent, but was not given notice and was not heard and the order was passed at the admission stage resulting in detriment to the petitioner. In the circumstances audi alteram partem rule is violated, and for that reason, we set aside the order dated 18-1-1999 passed by the Administrative Tribunal in O.A.No.73 of 1999, and remit the matter back to the Central Administrative Tribunal for hearing of the parties and passing orders afresh."

4. In view of the above directions of the Appellate Court, this OA came up for hearing today.

5. Notice before admission was issued to all the respondents including Respondent No.5 herein by Order dated 14-6-1999. Both the Official Respondents and the Respondent No.5 had filed their reply.

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A handwritten signature consisting of a stylized 'D' and a diagonal line.

6. The Official Respondents in their reply submit that the services of the applicant were terminated because she was not regular in her work, that there are no rules to provide for regularisation of the services of the applicant as contingent official. Further it is stated that the Respondent No.5 was appointed as a compassionate ground appointee as a Part-time Sweeper in the Organisation vice the applicant herein and on that basis the learned Counsel for the Official Respondents prays for dismissal of the OA.

7. The Respondent No.5 in her reply only states that her case was not considered for regularisation and the rejection order was passed on 7-11-1988 by the Respondent No.2 and that the applicant has approached this Tribunal 10 years thereafter and hence this OA is barred by limitation.

8. The above submission is not in order. The applicant is still continuing as a Part-time Contingent Labour. Hence, she has every right to ask for regularisation and there is no case of dismissing the OA because of limitation.

9. The learned Counsel for the Private Respondent No.5 also brought to our notice that the services of the applicant herein were terminated because of some charges against her. Hence, the OA has to be dismissed.

10. As far as the submissions of the official respondents are concerned, the same had been already dealt with in the previous Order dated 18-1-1999. Hence, no further order is necessary after considering the submissions of the official respondents. As far as the submission made by the Respondent No.5 is concerned, the same had already been

indicated. The first submission has been rejected by us as above. As regards the second submission, the same is also the submission of the official respondents which had been considered in the Order dated 18-1-1999. Hence, no further analysis of that submission is necessary at this juncture.

11. Considering the above, we are of the opinion that the earlier Order passed on 18-1-1999 need not be reviewed in view of the submission of the Respondent No.5 herein. The earlier Order passed on 18-1-1999 holds good under the facts and circumstances of the case as enumerated above. Hence, the Order passed in this OA on 18-1-1999 which has been extracted supra stands good.

12. The OA is disposed of as above. No costs.



(R. RANGARAJAN)
MEMBER (ADMN.)

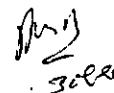


(D.H. NASIR)
VICE CHAIRMAN

DATED: this the 27th day of September, 1999

Dictated to steno in the Open Court

DSN


30/9/99

1ST AND 2ND COURT

COPY TO

1. HODN2

2. HORN M (A)

3. HESJ2 M (J)

4. D.R. (A)

5. SPARE

6. ADVOCATE

7. STANDING COUNSEL

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

11/10/99

THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD.

THE HON'BLE MR. JUSTICE D.H.NASIR
VICE - CHAIRMAN

THE HON'BLE MR.R.RANGARAJAN
MEMBER (ADMN.)

THE HON'BLE MR.S.S.JAI PARAMESWAR
MEMBER (JUDL.)

* * *

DATE OF ORDER: 27/9/99

MA/PA/CP. NO.

IN
CA. No. 73/99

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

CP: CLOSED

RA: CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED / REJECTED

NO ORDER AS TO COSTS

