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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:  
HYDERABAD

O.A.No.999 OF 1999.

DATE OF ORDER:13-7-1999.

BETWEEN:

- |                    |                       |
|--------------------|-----------------------|
| 1. B.Srinu.        | 7. E.Chinna Appa Rao. |
| 2. K.Srinivas.     | 8. G.Siva.            |
| 3. S.Venkata Rao.  | 9. P.Appa Rao.        |
| 4. D.Prasad Rao.   | 10. Ch.Kanaka Raju.   |
| 5. G.Bhaskara Rao. | 11. P.V.Narasimham.   |
| 6. A.Srinivasu.    |                       |

.....Applicants

a n d

1. Flag Officer Commanding-in-Chief,  
Eastern Naval Command, Naval Base PO,  
Visakhapatnam-14.
2. Base Victualling Officer, B.V.Yard,  
NAD, Visakhapatnam-9.

.....Respondents

COUNSEL FOR THE APPLICANTS :: Mr.P.B.Vijay Kumar

COUNSEL FOR THE RESPONDENTS :: Mr.B.Narsimha Sharma

CORAM:

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

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

: O R D E R :

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

Heard Mr.P.B.Vijay Kumar, learned Counsel for, the  
Applicants and Mr.M.C.Jacob for Mr.B.Narsimha Sharma,  
learned Standing Counsel for the Respondents.

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2. There are 11 applicants in this OA. They are presently working as casual labourers under Respondent No.2. The applicants have filed a representation requesting to re-engage them as casual labourers, vide representation dated: 4-5-1999 (Annexure.A-I, page.6 to the OA). It is stated that they were disengaged in the year 1992, but were re-engaged and continued with intermittent breaks <sup>and</sup> on ~~the~~ date they <sup>are</sup> ~~were~~ continuing as casual labourers. They have also given an Annexure to that letter <sup>at A-I</sup> the number of days they worked year-wise from 1993 onwards.

3. This OA is filed praying for a direction to the respondents to regularise their services by re-engaging them in preference to their juniors without there being any break in service.

4. The applicants are now in service as casual labour<sup>er</sup>s. Hence, the prayer for re-engaging them had already been met with. The only point for consideration is in regard to their regularisation, <sup>they depend</sup> ~~dependent~~ on the availability of regular posts, and also the turn of the applicants in the seniority list. The seniority list is normally prepared on the basis of the number of days of service put in. Hence, the request for regularisation is to be decided by the Department-authorities in accordance with the law adhering to the seniority. Hence, the only direction that can be given in regard to

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regularisation is that the cases of the applicants should be considered in accordance with the law for regularisation in due course.

5. The applicants submit that they are being discharged even though their juniors are continued and probably the freshers are also appointed. When a casual labour is employed, he should ~~have been~~ continued in preference to juniors and the freshers ~~while~~ if any retrenchment has to be taken place. The above observation should be *followed* ~~observed~~ in the cases of the applicants if any retrenchment is to be effected due to curtailing of the work.

If they are discharged, the senior-most discharged casual labour should be considered for re-engagement provided there is work and engagement of the casual labour is necessary.

6. With the above direction, the OA is disposed of at the admission stage itself. No costs.

  
( B.S. JAI PARAMESHWAR )  
MEMBER (JUDL)  
13.7.99

  
( R. RANGARAJAN )  
MEMBER (ADMN)

DATED: this the 13th day of July, 1999

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Dictated to steno in the Open Court

\*\*\*  
DSN

*13.7.99*

COPY TO:-

1. HDHND
2. HHSP M(A)
3. HBSBP M(J)
4. D.R. (A)
5. SPARE

1st AND 11nd COURT. 30/7/99

TYPED BY  
COMPILED BY

CHECKED BY  
APPROVED BY

THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH, HYDERABAD.

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

THE HON'BLE MR. H. RAJENDRA PRASAD.  
MEMBER ( ADMN )

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

THE HON'BLE MR. D.S. JAI PARAMESHWAR :  
MEMBER ( JUDL )

ORDER: Date. 13/7/99

ORDER / JUDGMENT

~~MA. / RA. / CP. NO.~~

IN

DA. NO.

999/99

ADMITTED AND INTERIM DIRECTIONS  
ISSUED.

ALLOWED.

C.P. CLOSED

R.A. CLOSED.

D.A. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED / REJECTED

NO ORDER AS TO COSTS.

6 copies

केन्द्रीय प्रशासनिक अधिकरण  
Central Administrative Tribunal  
प्रेषण / DESPATCH

28 JUL 1999

हैदराबाद न्यायपीठ  
HYDERABAD BENCH