

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO.643/99

DATE OF ORDER : 28.10.1999

Between :-

- | | |
|-----------------------|-----------------------|
| 1.M.Shyamsunder | 15.K.Srisailam |
| 2. G.Ramesh Babu | 16.V.Sathaiah |
| 3. S.Haripriya | 17.KP Srinivasulu |
| 4. E.Srilatha Kumari | 18.D.Anand Rao |
| 5. Shaik Shahanaz | 19.S.Saleem |
| 6. V.Padma | 20.J.Krishna Murthy |
| 7. K.Vasantha | 21.M.V.Nageshwara Rao |
| 8. W.B.Narsimha Rao | 22.M.Janga Reddy |
| 9. Bhanu Prasad Tata | 23.S.Gurunatha Reddy |
| 10.PNV Koteshwara Rao | 24.R.K.Nagaraju |
| 11.D.Prabhaker | 25.Abdul Gaffar |
| 12.V.Subhash | 26.KVV Hanumantha Rao |
| 13.P.Chandrakanth | 27.G.Murali |
| 14.R.Raju | 28.Y.Nancharaiiah |

...Applicants

And

1. The Scientific Advisor to Raksha Mantri & Director General, DRDO, M/o Defence, New Delhi.
2. The Director, Defence Research & Development Laboratory, Kanchanbagh, Hyderabad.
3. The Director, Research Centre Imarat, Hyd.
4. The Project Director, Project Nag, DRDL, Hyd.
5. The Project Director, Project Pridhvi, DRDL, Hyd.
6. The Project Director, Project Akash, DRDL, Hyd.
7. The Project Director, Project Agni, DRDL, Hyd.

...Respondents

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Counsel for the Applicants : Shri S.Laxma Reddy

Counsel for the Respondents : Shri B.N.Sarma, Sr.CGSC

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CORAM:

THE HON'BLE SHRI R.RANGARAJAN : MEMBER (A)

THE HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (J)

(Order per Hon'ble Shri R.Rangarajan, Member (A)).

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(Order per Hon'ble Shri R.Rangarajan, Member (A)).

Heard Sri S.Laxma Reddy, learned counsel for the applicant and Sri B.N.Sarma, learned senior standing counsel for the respondents.

2. There are 28 applicants in this OA. They are engaged under Respondents 4 to 7 as per the details stated in Annexure-I (pages 16 and 17 to the OA). Applicants are being paid on daily wage basis but monthly paid on the basis of the number of days engaged during the month and some applicants are being paid on consolidated pay per month.

3. This OA is filed to declare the action of the respondents in not regularizing the services of the applicants and granting them regular scales of pay on the basis of their long length of service as totally arbitrary, unfair, and violative of articles 14, 16, 21 and 39 (1)(d) of the Constitution of India and consequently direct the respondents to regularize the service of the applicants ^{with} all consequential benefits such as granting them regular scales of pay etc. in terms of the judgement in OA 1485/96.

4. The learned counsel for the Respondents submit that this OA is fully covered by the judgement rendered in OAs 1485/96, 370/97 and 1205/99 but they further submit that the said judgement has been challenged in the High Court of Andhra Pradesh. The above contention is also taken in OA 1205/99 and on that basis a direction was issued in OA 1205/99 on 15.9.99. We feel that the same direction will hold good in this OA also. Hence the following directions are given :-


(a) If the challenge to the judgement in OA 1485/96 and OA 370/97 passed on 9.12.1998 is dismissed then the applicants are entitled for the same relief as granted in the judgement dated 9.12.1998;

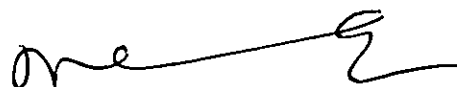
(b) If the challenge to the judgement dated 9.12.1998 before the High Court of AP is allowed, then this application stands dismissed.



(c) If any other order is given by the High Court of AP modifying the judgement dated 9.12.1998, the same will also hold good for the applicants in this OA also.

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


(B.S. JAI PARAMESHWAR)
28/10/99
MEMBER (J)


(R. RANGARAJAN)
MEMBER (A)

DATED: 28TH October, 1999.

Dictated in Open Court.

Avl/

6.10/99
22/11/99

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH : HYDERABAD.

1ST AND 2ND COURT

COPY TO :-

1. BBHND
2. HRRN M (A)
3. BBSJP M (J)
4. D.R. (A)
5. SPARE
6. ADVOCATE
7. STANDING COUNSEL

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

THE HON'BLE MR. JUSTICE D.H. NASIR

VICE - CHAIRMAN

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

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

* * *

DATE OF ORDER: 28/10/99

MA/RA/CP.No.

in

OA. NO.

643/99

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

11 copies

केन्द्रीय प्रशासनिक अधिकरण Central Administrative Tribunal प्रेषण / DESPATCH
15 NOV 1999
हैदराबाद न्यायपीठ HYDERABAD BENCH