

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

OA.1084/99

dt.8-9-2000

Between

K. Srirama murthy : Applicant
and

1. Garrison Enginer(P)
EM Section, Naval Dry Dock
Visakhapatnam

2. Commander Works Engr.(P)
9, ISRD Area, Kancharapalem PO
Visakhapatnam 8

3. Chief Engr.(Navy)
Station Road
Visakhapatnam 4

4. Chief Engr.
Southern Command
Pune 411001 : Respondents

Counsel for the applicant : A.S. Rama Sarma
Advocate

Counsel for the respondents : P. Phalgunna Rao
CGSC

Coram

Hon. Mr. R. Rangarajan, Member (Admn.)

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

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order

Oral order (per Hon. Mr. B.S. Jai Parameshwar, Member(JY))

Heard Mr. D. Ramakrishan for Mr. A.S. Rama Sarma for the applicant and Mr. A. Ramana for Mr. P. Phalguna Rao for the respondents.

2. The applicant herein was engaged as Chowkidar in the office of the Respondent No.1, Naval Dockyard for the period from June, 1979 to October, 1979 and from the month of June, 81 to Sept. 81 on casual basis. He submits that certain Casual Labours had approached this Tribunal in OA.1194/91 which was decided on 16-10-92 directing the respondents to absorb them immediately with backwages etc.

3. The applicant submitted a representation dated 24-12-97 10-1-98, 21-7-98 and 16-2-98 for considering his case on par with those applicants in OA.1194/91. There was no response.

4. Hence, he has filed this application to declare the action of Respondent No.4 in not replying his representation dated 16-4-98 and order dated 10-3-98 of the Respondent-3 as illegal, arbitrary and discriminatory and for a consequential direction to the respondents to absorb the applicant into service with arrears of salary and continuity of service etc.

5. The respondents have filed reply stating that the application is barred by time when the applicant was engaged during the year 1981. The respondents contend that the applicant had never worked as Casual labour. ^{And} But there are no records to prove it.

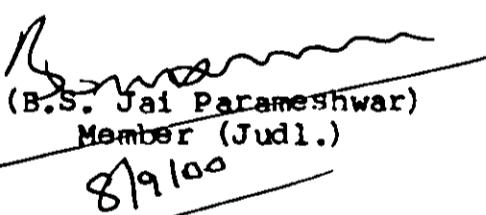
6. Hence, in all fairness it has to be taken that the applicant could have joined in 1981 but he was discharged from service immediately thereafter. The applicant once again applied when a notification was issued for appointment for

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the post of Chowkidar and considered ^{then} the applicant had not responded to it. That was informed to him by letter dated 1-11-1997 vide No.10058/447/E1NB (Annex.R-III). The applicant kept quiet for a very long time without approaching the respondents and filed this OA very belatedly in the year 1999. The applicant also has not brought any valid document to prove that he was employed as Casual labour way back in 1979. Para.6 and 11 of the reply statement has to be noted in this connection.

7. Considering the above points we find that the applicant had not made out a case for appointment. However, on humanitarian grounds, in future if he applies in response to any notification his case may be considered in accordance with law giving some preference over the freshers from the open market.

8. The OA is ordered accordingly. No costs.


(B.S. Jai Parameshwar)
Member (Judl.)

8/9/00


(R. Rangarajan)
Member (Admn.)

Dated : 8 Sept., 2000
Dictated in Open Court

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