

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD**

OA/020/952/2017

Date of Order : 16.03.2018

Between:

M.V. Subba Reddy,
S/o. Venkat Subba Reddy,
Aged about 59 years,
Occ: Skilled Works Assistant,
Chennai Division, Alladupalli,
Pennar Sub-Division,
Central Water Commission, Chapadu Mandal,
Kadapa – 526 004.

... Applicant

And

1. Union of India rep. by
The Secretary to Government,
Ministry of Water Resources,
Shram Shakti Bhawan, Rafi Marg,
New Delhi – 110 001.
2. The Director,
Central Water commission,
Sewa Bhavan, Room No.204,
Ramakrishnapuram,
New Delhi – 66.
3. The Executive Engineer,
Cauvery Division,
Central Water Commission,
Bangalore.
4. The Superintending Engineer (Coordination),
O/o the Chief Engineer C & SR,
Central Water Commission,
Corporation Community Hall,
Kamarajapuram Road, R.S. Puram Post,
Coimbatore – 641 002.
5. The Assistant Executive Engineer,
Pennar Sub-Division,
Central Water Commission, H.No.7/362-3
Bhagya Nagar,
Cuddapah – 516 002.

... Respondents

Counsel for the Applicant	...	Mr. Siva
Counsel for the Respondents	...	Mr. P. Krishna, Addl. CGSC

CORAM :

THE HON'BLE MR.JUSTICE R.KANTHA RAO, JUDL. MEMBER
THE HON'BLE MRS. MINNIE MATHEW, ADMN. MEMBER

ORAL ORDER

{ Per Hon'ble Mr.Justice R.Kantha Rao, Judl. Member }

Heard both the learned counsel.

2. The brief facts necessary for disposing of the O.A. may be stated as follows:

The Applicant along with many other work-charged Khalasis appeared for interview which was held on 14.5.1998 to fill up as many as 168 vacancies on regular basis. The Respondents finalized the selection and 60 persons were selected and were appointed by order dated 23.11.1998. The Respondents have withheld the result of about 60 candidates and the Applicant was one among them. The Applicant filed O.A. No.123/1999 before this Tribunal questioning the action of the Respondents in withholding the results. The Tribunal by order dated 30.3.2000, disposed of the O.A. directing the Respondents to consider the case of the Applicant for regularisation against the post for which he was called for interview subject to certain conditions. The Respondents sought a judicial review of the order passed by the Tribunal by filing W.P. No.1584/2001. The Hon'ble High Court of A.P. finally dismissed the Writ Petition by order dated 7.8.2012. Thus, the order of the Tribunal became final. The Applicant submitted several representations to the

Respondents seeking regularization by complying with the order passed by the Tribunal. As there was no response, the Applicant filed C.P. No.116/2014. In the said Contempt Petition, the Respondents gave an undertaking which is to the following effect:

“Hence, it is to clarify that on completion of probation, Shri M.V. Subba Reddy will be regularized with effect from 23.11.1998 (the date on which the other candidates offered appointment) as prayed by him in O.A. No.123/1999.”

3. Therefore, by virtue of the undertaking given by the Respondents basing on which the C.P. was closed, the services of the Applicant have to be regularised w.e.f. 23.11.1998 after the probation of the Applicant was approved. Subsequently by proceedings dated 13.11.2017, the Respondents passed the Office Order stating that the probation of the Applicant along with some other candidates was terminated and they are confirmed in their entry cadre of Skilled Work Assistants. However, in so far as the Applicant is concerned, the date of confirmation is mentioned as 4.9.2015. Learned counsel appearing for the Applicant would submit that the Respondents, as per their undertaking given in the Contempt Petition, after the probation of the Applicant was approved have to confirm him in the Skilled Work Assistant from 23.11.1998 but not from 4.9.2015.

4. The Respondents gave a clear and unequivocal undertaking in the Contempt Petition to the effect that soon after the termination of the probation of the Applicant, he would be confirmed in the entry cadre of Skilled Work Assistant post w.e.f. 23.11.1998. Subsequently, except in their reply statement, they have not resiled from their earlier version nor there is any order contradicting the undertaking given by the Respondents either by the Tribunal

or any Court. The undertaking is binding on the Respondents and they cannot now deviate from the undertaking. The claim set forth by the Applicant in the present O.A. deserves to be allowed.

5. Consequently, the O.A. is allowed directing the Respondents to confirm the Applicant in the entry grade of Skilled Work Assistant from 23.11.1998 instead of 04.09.2015 and pass necessary orders to that effect within a period of eight weeks. The Respondents are also directed to pay the Applicant all the consequential benefits pursuant to aforementioned regularisation. No costs.

(MINNIE MATHEW)
ADMN. MEMBER

(JUSTICE R.KANTHA RAO)
JUDL. MEMBER

pv