

**CENTRAL ADMINISTRATIVE TRIBUNAL
CHENNAI BENCH**

M.A.No.176/2019 in & O.A.No.917/2018

Dated Friday, the 22nd day of March, 2019

PRESENT

Hon'ble Mr.R.Ramanujam, Administrative Member

&

Hon'ble Mr.P.Madhavan, Judicial Member

1. M. Udayakumar

2. S. Kayalvizhi

3. P. Senthamarai

4. S. Balasankar

5. S. Selvaraj

6. V. Murugaiyan

7. V. Vittal Gunasekharan

8. R. Palanivel

9. A. Patchaiyappan

10. P. Irusappan

... Applicants

By Advocate M/s V. Ajayakumar

Vs.

1. Union of India rep. by

The Government of Puducherry

through the Secretary to Govt. for Department

of Personnel and Administrative Reforms

Chief Secretariat, Puducherry.

2. The Director of School Education

Education Department

Puducherry.

... Respondents

By Advocate Mr. R. Syed Mustafa

(Order: Pronounced by Hon'ble Mr.R.Ramanujam, Member(A))

Heard. The applicants have filed this OA under Section 19 of the Administrative Tribunals Act, 1985 seeking the following relief:

"To call for the records of the respondent with No. 198/DSE/SW/E8/2018 dated 5.7.2018 and to quash in so far concern to the applicants herein the same and consequently to direct the respondents to reinstate the applicants into service on regular establishment with retrospective effect as per the orders of the Court in the previous cases."

2. It is submitted that the applicants were aggrieved by Annexure A-12 order dated 19.03.2019 disengaging them as Full Time Casual Labours engaged on co-terminus basis in the Department of School Education. Earlier, the applicants had sought regularization of their services and filed OA 217/2013 which was disposed of by an order of this Tribunal dated 28.11.2016 directing the respondents to verify if the applicants' services were terminated in the year 2012 itself or they were still in service as claimed by the learned counsel at the time of hearing. If the applicants were found to be still in service, the respondents may also examine their cases for regularization in the light of the decision of the Hon'ble Madras High Court in WP 12700/2012 and pass appropriate orders within a period of three months from the date of receipt of a copy of that order.

3. The respondents passed Annexure A-9 order dated 27.02.2017 by which the applicants' plea for regularization was rejected on the ground that the directions issued by the Hon'ble High court in WP 12700/2012

were applicable to the personnel of the XI Assembly whereas the applicants were not in engagement during the concerned Legislative Assembly and hence it could not be taken as a precedent. This order has been separately challenged in OA 1075/2017 which is still pending before this Tribunal.

4. In the mean time, the respondents proceeded to disengage the applicants with immediate effect and passed an order dated 05.07.2018 which has been challenged in this OA. When the matter was considered at the admission stage on 31.08.2018, it was observed that as per the instructions received by the standing counsel for the respondents dated 20.07.2018, the applicants were still working in the respective departments and as such the OA had been filed on a mere apprehension and, therefore, it was liable to be dismissed. When the applicants were continuing in the respective department till date, the Bench was of the view that no interference was required at that stage. However, learned counsel for the respondents was directed to file a detailed counter affidavit. The counter affidavit has not yet been filed in this OA.

5. MA 176/2018 has now been filed seeking interim directions to stay Annexure A-12 order dated 19.03.2019 of the respondents by which the applicants are now disengaged with immediate effect.

6. After hearing both sides, we are of the view that since Annexure A-9 order of the respondents dated 27.02.2017 is already under challenge in OA 1075/2017 and the matter is pending, the appropriate place to seek

interim direction would be that OA and not this OA which essentially challenges Annexure A-10 order dated 05.07.2018 which was never issued to the applicants. Accordingly the relief sought in this OA to quash the order dated 05.07.2018 and consequently direct the respondents to reinstate the applicants into service on regular establishment with retrospective effect cannot be pursued in this OA.

7. OA is dismissed as infructuous, however, with liberty to the applicants to file the MA seeking interim order against Annexure A-12 order dated 19.03.2019 in the relevant OA, i.e., OA 1075/2017. MA 176/2019 also consequently stands closed.

(P.MADHAVAN)
MEMBER(J)

22.03.2019

M.T.

(R.RAMANUJAM)
MEMBER (A)