

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: HYDERABAD**

Original Application No.20/111/2018

Reserved on: 13.06.2019

Pronounced on: 18.06.2019

Between:

1. B. Guruswamy, S/o. B. Sidda Reddy,
Aged about 45 years, Occ: Casual Labour,
In the O/o. Assistant Superintending Engineer,
Archaeological Survey of India,
Chandragiri, Chittoor District, R/o.K. Odepallai PO & Village,
Pakala Mandal, Panmur via Chittoor.
2. M. Krishna Murthy, S/o. M. Rajagopal,
Aged about 49 years, Occ: Casual Labour,
In the O/o. Assistant Superintending Engineer,
Archaeological Survey of India,
Chandragiri, R/o. D. No.21-46, Kota Street,
Chandragiri, Chittoor District.

... Applicants

And

Union of India, Rep. by

1. The Under Secretary,
Ministry of Culture, New Delhi.
2. The Superintending Engineer,
Archaeological Survey of India,
Kendriya Sadan, III Floor,
II Block, Sultan Bazar, Koti, Hyderabad.
3. The Assistant Superintending Engineer,
Archaeologist for Museums, Chandragiri,
Chittoor District.

... Respondents

Counsel for the Applicant ... Mr. K. Siva Reddy

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

CORAM:

Hon'ble Mr. B.V. Sudhakar, Member (Admn.)

ORDER

{As per Hon'ble Mr. B.V. Sudhakar, Member (Admn.) }

2. OA is filed for not granting temporary status and regularising the services of the applicants as casual labourers.

3. First applicant was engaged as casual labour in 1994 after his name was sponsored by the Employment Exchange. On 5.2.1998 he was issued an appointment order. Since then applicant is working as casual labourer for the last 27 years. Coming to the 2nd applicant he was engaged as casual labour on 10.10.1987 and his services were terminated on 14.4.1990. However, on approaching the Tribunal in OA 1011/1991 and pursuant to the order dtd. 30.10.1991 of this Tribunal, he was re-engaged since 3.8.1998. The 2nd respondent has recommended the case of the 2nd applicant for grant of temporary status vide letter dated 7.6.2014. Applicants have made several representations, the last one was on 7.2.2017. As there was no response, the OA has been filed.

4. The contentions of the applicants are that they are have put in nearly 28 years of service and that they are eligible for being granted temporary status and their services regularised as per the judgment of the Hon'ble Supreme Court judgment in Uma Devi Case. Similarly, situated employee was granted temporary status but they being denied tantamount to discrimination,

5. The case came up for hearing for the 14th time. Heard learned counsel for the applicants. Learned counsel for the respondents was not present. Respondents were advised to file reply statement on a number

of occasions, but they did not do so. Albeit, it was mentioned in the docket order dated 3.4.2019 that if they fail to file the reply statement, they would forfeit the right to file the reply. Yet there was no response. On 6.6.2019, it was also mentioned in the docket order that if they fail to file the reply statement the case would be decided ex-parte. Even then, there was no response. On 13.6.2018, when the case came up for hearing, the learned counsel for the applicant pleaded that the applicants are put to lot of suffering due to the non response of the respondents. Nearly 1 year 4 months have lapsed from the date of filing of the OA. Time allowed is 90 days. Rarely we come across respondents who despite repeated advise fail to file the reply statement. Nevertheless, applicants should not be made to suffer because of the recalcitrant attitude of the respondents. Hence, the issue is being decided in the absence of the reply statement.

6. As is seen from the facts of the case, applicants are working as casual labourers since the last 28 years. First applicant was engaged through the employment exchange. The applicants were issued letters of engagement as casual labour as per letters referred to above. The orders of the Hon'ble Supreme Court in Uma Devi's case was to regularise, as a one-time measure, the services of irregularly appointed, who have worked for 10 years or more in duly sanctioned posts but not under cover of the orders of courts or of Tribunals. Further, it was also submitted that Sri R.Sathya Murthy, who was engaged later to the applicants was granted temporary status on 22.9.2016 and that the applicants are being discriminated.

7 (I) Considering the facts stated above and the orders of the Hon'ble Supreme Court in Uma Devi's case, respondents are directed to dispose of the representations made by the applicants for grant of temporary status and regularisation of services, by issuing a speaking and reasoned order, within a period of 3 months from the date of receipt of this order.

(II) It is to be mentioned here that, when the OA came up for admission, on 06.02.2018, an interim direction was issued to continue the applicants as Casual Labour until further orders and the applicants are being continued on the strength of the interim order. The said direction shall continue till an order is passed by the respondents, as directed supra.

(III) The OA is disposed with the above directions. There shall be no order as to costs.

(B.V. SUDHAKAR)
MEMBER (ADMN.)

Dated, the 18th day of June, 2019

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