

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

Original Application No.21/752/2019

Date of Order: 21.08.2019

Between:

1. Mohd. Jahangir, S/o Mohd. Yousuf, Aged about 42 years
Occ: Casual Worker (Canteen Attendants), O/o The Principal Accountant General (A&E), Andhra Pradesh Telengana, Hyderabad
R/o H.No.18-11-30/A/17, Mumtaz Bagh, Al Atlas Colony, Barkas, Bandlaguda, Keshogiri,
Baandlaguda, Hyderabad-500005.
2. Ramanand, S/o Ather Singh, Aged about 38 years,
Occ: Casual Worker, O/o The Accountant General (A&E), Andhra Pradesh, Telengana, Hyderabad, R/o H.No.21-4-899, Gulab Singh Bowli, Petla Burj,
Bahadurpura, Hyderabad – 500 064.
3. S. Babu, S/o S. Masthanaiah, Aged about 37 years, Occ: Casual Worker (Canteen Attendants), O/o The Accountant General (A&E), Telengana, Hyderabad, R/o H.No.6-02-711, Chintal Basti, Khairatabad, Hyderabad – 500 004.
4. K. Venugopal, S/o K. Muneender, Aged about 32 years,
Occ: Casual Worker (Canteen Attendants), O/o The Principal Accountant General (A&E), Andhra Pradesh, Telengana, Hyderabad, R/o H.No.13-2-324, Aramgar Colony,
Rahimpura, Asifnagar, Hyderabad – 500 006.
5. S. Pappu, S/o S.Raju, Aged about 34 years, Occ: Casual Worker (Canteen Attendants), O/o The Principal Accountant General (A&E), Andhra Pradesh, Telengana, Hyderabad, R/o H.No.4-41-340/1, Papireddy Nagar, Balangagar,
K.V.Rangareddy, Hyderabad-500037.

6. A. Indra, W/o Srinivas, Aged about 39 years, Occ: Casual Worker (Canteen Attendants), O/o The Principal Accountant General (A&E), Andhra Pradesh, Telengana, Hyderabad, R/o H.No.8-3-612, Habeb Bagh, Yellareddy Guda, Ameerpet, Hyderabad.
7. L. Renuka, W/o Balraj Goud, Aged about 40 years, Occ: Casual Worker (Canteen Attendants), O/o The Principal Accountant General (A&E), Andhra Pradesh, Telengana, Hyderabad, R/o H.No.13-187/2, BDL Colony, Nadergul, K.V.Rangareddy, Hyderabad 501510.
8. D Sunitha, D/o B. Ramsingh, Aged about 38 years, Occ: Casual Worker (Attender), O/o The Accountant General (A&G), Telengana, Hyderabad, R/o H.No.23-4-607, Sultan Shahi, Charminar, Shalibanda, Hyderabad – 500065.
9. Ch. Ravila, W/o Ch. Srinivas, Aged about 33 years, Occ: Casual Worker (Canteen Attendants), O/o The Principal Accountant General (A&E), Andhra Pradesh, Telengana, Hyderabad, R/o H.No.3-6-188/62, Muthyala Bagh, Himayathnagar, Hyderabad – 500 029.
10. K. Laxmi, W/o K. Jagan, Aged about 39 years, Occ: Casual Worker (Canteen Attendants), O/o The Principal Accountant General (A&E), Andhra Pradesh, Telengana, Hyderabad, R/o H.No.6-1-507/18, Opp: I Max Theater, Indra Nagar, Khairtabad, Hyderabad-500004.
11. G. Siva Kumar, S/o G. Laxman, Aged about 32 years, Occ: Casual Worker (Canteen Attendants), O/o The Principal Accountant General (A&E), Andhra Pradesh, Telengana, Hyderabad, R/o H.No.12-2-417/C/14/A, Viswas Colony, LIC Colony, Guddimalkapur, Hyderabad – 500 028.
12. C. Arun Singh, S/o C. Sultan Singh, Aged about 34 years, Occ: Casual Worker (Canteen Attendants), O/o The Principal Accountant General (A&E), Andhra Pradesh, Telengana, Hyderabad, R/o H.No.15-3-181/1, Gowliguda, Chaman, Nampally, Hyderabad – 500 012.

13. C. Sujatha, D/o Ch. Satyanarayana, Aged about years,
Occ: Casual Worker (Canteen Attendants),
O/o The Accountant General (A&E), Telengana, Hyderabad, R/o
H.No.5-9-126,
Bapuji Nagar, Nera Sai Baba Temple, Yapral, Secunderabad,
Ranga Reddy District.

.... Applicants

AND

1. The Union of India represented by its Principal Accountant General (Accounts & Entitlement), Andhra Pradesh & Telangana, Government of India, Ministry of Finance, Saifabad, Hyderabad.
2. The Principal Director (Staff), O/o Comptroller & Auditor General of India, 9, Deendayal Upadhyaya Marg, New Delhi.
3. The Sr. Deputy Accountant General (Admin), for the state of Telangana, Saifabad, Hyderabad. ... Respondents

Counsel for the Applicant ... Mr.A.V.V.S.Bhujanga Rao

Counsel for the Respondents ... Mr. V. Vinod Kumar, Sr. CGSC

CORAM:

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

ORAL ORDER**M.A.No.655/2019:**

2. MA 655 of 2019 for joining together is allowed for the reasons mentioned therein vide Order dated 21.08.2019.

O.A.No.752/2019:

3. The OA is filed challenging the action of the respondents in not granting temporary status and regularization of the services of applicants.

4. (I) Brief facts of the case are that the applicants were engaged as casual workers by the respondents on full time basis. Some of the applicants have completed 9 years of service and some others even 24 years of service. Applicants claim that the Hon'ble Supreme Court and the Principal Bench of this Tribunal have passed orders negating the decision of the respondents in adopting the method of outsource manpower. Applicants have cited the Judgement of the Hon'ble High Court of Andhra Pradesh and Telangana State in Writ Petition No.837/2016 and batch dated 07.01.2016. Further, in OA No.726 of 2013, this Tribunal directed the respondents to pay wages to the casual labourers directly from the funds of the Department funds and not through outsourcing agency.

(II) Besides, 3rd Respondent, vide letter dated 24.04.2019, has requested the 2nd Respondent for regularization of the services of applicants against the available vacancies in the cadre of "Canteen

Attendants/Multi-tasking Staff. Department of Personnel & Training, vide letter dated 11.12.2006, has directed all Ministries/Departments to implement the directions of the Constitutional Bench of the Hon'ble Supreme Court in Civil Appeal No.3595-2612 of 1999 etc. Accordingly, the Chief Commissioner of Income Tax, New Delhi, vide Order dated 28.12.1999, has granted Temporary Status to 54 casual labourers. Similarly, Office of the Commissioner of Customs, Pune has informed that the 15 casual labourers were regularized, vide their letter dated 02.07.2009. In addition, the Hon'ble High Court of Andhra Pradesh in Writ Petition No.26967 of 1999, whereby challenging the order of this Tribunal in OA 1091 of 1998, dated 08.10.1998, was dismissed. The respondents did prefer an SLP No.6357 of 2011 in the Hon'ble Supreme Court, which was also dismissed on 02.03.2011. Applicants also inform that in another batch of the Writ Petitions, filed by the very same respondents, in the Hon'ble High Court of Andhra Pradesh, were dismissed by order dated 25.09.2009, based on the principle laid down in WP No.26967 of 1999. Applicants pray that they have been working for the last 9/24 years and are fully qualified, they can be adjusted against the clear vacancies of Group D posts. Applicants represented on 08.07.2019 to the respondents for grant of

temporary status and regularization of their services, till date there is no action on it and hence, the OA.

5. The contentions of the applicants are that as per rules and law, they are to be granted temporary status and services regularized. Not doing so is arbitrary and illegal. They have cited many Judgements in support of their contentions.

6. Heard both the counsel and perused the pleadings on record.

7. (I) Applicants have been working more than 9 years on casual basis in the respondents organization. They cited DoPT rules and law on the subject requesting to grant temporary status and regularize their services. As mentioned in the OA, superior judicial forums have issued orders favouring similarly situated employees like the applicants.

(II) Therefore, in the interests of justice, it would be appropriate to direct the respondents to dispose of the representations made by the applicants, keeping in view the DoPT rules and the law laid down by the superior judicial forums, referred to hereinbefore, within a period of three months from the date of receipt of a certified copy of this order.

This order is issued with the concurrence of both the parties with no order as to costs.

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

Dated, the 21st day of August, 2019

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