

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

AND

THE HON'BLE SRI JUSTICE NAMAVARAPU RAJESHWAR RAO

Writ Petition No.7725 and 7743 of 2011

COMMON ORDER: *(Per Hon'ble Justice Abhinand Kumar Shavili)*

Both these writ petitions are being disposed of by way of this common order as the issue raised in these two writ petitions is one and the same.

2. These two writ petitions are filed by the petitioners aggrieved by the order dated 03.12.2010 in T.A.No.23 of 2010 passed by the Central Administrative Tribunal, Hyderabad (for short 'the Tribunal').

3. Heard Sri Ajay Kumar Kulkarni, learned Standing Counsel for the petitioners and Sri A.Raghu Kumar, learned Counsel appearing on behalf of the respondents.

4. For convenience, the facts in W.P.No.7725 of 2011 are discussed here under:

5. Learned counsel for the petitioners had contended that the respondent was appointed as part time casual labour in the Telegraph office at Bodhan in April, 1994 and while the respondent was working, the Sub-Divisional Officer has passed order on 12.02.1998 asking the

respondent to perform duties for more than 8 hours. In spite of the same, the respondent was working less than 4 hours. Hence, the General Manager had converted the respondent as a full time casual labour with effect from 01.11.2001 vide proceedings dated 27.11.2001. Learned Counsel has further contended that while checking the particulars of the respondent, it is come to the notice that in the original appointment order, the name of the respondent was typed as N.Srinivas, whereas the respondent real name is V.Srinivas. Since, there is a discrepancy in the name in respect of initial of the respondent, the petitioners have kept the orders issued in favour of the respondent in abeyance vide order dated 31.01.2002 and 16.08.2002. Aggrieved by the action of the petitioners in keeping the orders which were issued in favour of the respondent in abeyance, the respondent has filed W.P.No.3923 of 2008 before this Court and during pendency of the writ petition, the case was transferred to the Tribunal and it was re-numbered as T.A.No.23 of 2010.

8. Learned counsel for the petitioners had further contended that since there was a discrepancy in the name of the respondent, the petitioners have rightly kept the orders which were issued in favour of the respondent in abeyance. But the Tribunal without appreciating the said fact has set aside the orders passed by the petitioners in keeping

the orders in abeyance which were issued in favour of the respondent vide order dated 03.12.2010.

9. As far as the writ petition No. 7743 of 2011 is concerned, the respondent has left the service in 2007 and the Tribunal had directed the petitioners to re-engage the respondent into the service and directed to grant temporary status with all consequential benefits. Therefore, appropriate orders be passed in the case by setting aside the order passed by the Tribunal in T.A.No.23 of 2010 dated 03.12.2010 and also the order passed by the Tribunal in T.A.No.22 of 2010 dated 31.12.2010 and allow the writ petition.

10. Learned counsel appearing for the respondent had contended that the petitioners have erroneously entered the initial of the respondent as N.Srinivas and while converting the respondent from part time casual Mazdoor to full time employee, the petitioners have issued proceedings by entering his name as V.Srinivas. Since the respondent has been working more than 8 hours, the Tribunal was justified in allowing the case in favour of the respondent. Therefore, there are no merits in the writ petition and the same is liable to be dismissed.

11. This Court having considered the rival submissions made by the parties is of the considered view that the petitioners have kept the orders in abeyance as there was discrepancy in the name of the respondent and in the conversion orders, as full time casual labour, the name of the respondent was correctly mentioned as V.Srinivas, which would mean that the petitioners were aware that in the initial appointment order, the initial of the respondent was incorrectly entered and it was rectified while converting the respondent as full time casual labour vide proceedings dated 06.06.2002. The Tribunal came to a conclusion keeping the orders in abeyance was not correct and the Tribunal also gave a specific finding that the respondent was continuously working with the petitioners. Therefore, the Tribunal was justified in allowing the O.As preferred by the respondent. Hence, this Court is not inclined to interfere with the orders passed by the Tribunal.

11. Accordingly, both the writ petitions are dismissed. No costs.

12. As a sequel, miscellaneous petitions pending if any in these Writ Petitions, shall stand closed.

ABHINAND KUMAR SHAVILI, J

NAMAVARAPU RAJESHWAR RAO, J

Date : 07.11.2022
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