In the Central Administrative Tribunal
Principal Bench, New Delhi

Regn. Nos.: Date: 22.5.1990.

1. OA-1790/89

Shri Lakhan Singh & Ors. .... Applicants

Versus

Union of India through Secretary, Ministry of Communications & Ors. .... Respondents

For the Applicants .... Smt. Rani Chhabra, Advocate

For the Respondents .... Smt. Raj Kumari Chopra, Advocate

2. OA-2072/89

Shri Suresh Chand & Ors. .... Applicants

Versus

Union of India through Secretary, Ministry of Communications & Ors. .... Respondents

For the Applicants .... Smt. Rani Chhabra, Advocate

For Respondents 1 & 2 .... Shri P.P. Khurana, Advocate

For Respondent No.3 .... Smt. Raj Kumari Chopra, Advocate.

3. OA-2139/89

Shri Subhash Chander Sharma & Another ... Applicants

Versus

Union of India through Secretary, Ministry of Communications & Ors. .... Respondents

For the Applicants .... Smt. Rani Chhabra, Advocate

For Respondents 1, 2, 4, 5 and 6 .... Shri P.P. Khurana, Advocate

For Respondents 3 and 7 .... Smt. Raj Kumari Chopra, Advocate

4. OA-2200/89

Shri Satender Kumar & Ors. .... Applicants

Versus

Union of India through Secretary, Ministry of Communications & Ors. .... Respondents

For the Applicants .... Smt. Rani Chhabra, Advocate

For the Respondents .... Shri P.P. Khurana, Advocate.

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5. OA-2234/89 with CCP-209/89

Shri Vijay Kumar & Ors. .... Applicants

Versus

Union of India through Secretary, Ministry of Communications .... Respondents

For the Applicants .... Smt. Rani Chhabra, Advocate

For the Respondents .... Shri P.P. Khurana, Advocate

6. OA-2369/89

Shri Chandra Parkash & Ors..... Applicants

Versus

Union of India through Secretary, Ministry of Tele-Communications .... Respondents

For the Applicants .... Smt. Rani Chhabra, Advoca

For the Respondents .... Shri P.P. Khurana, Advocate

CORAM: Hon'ble Shri P.K. Kartha, Vice-Chairman (Judl.)
Hon'ble Shri D.K. Chakravorty, Administrative Member.

(Judgement of the Bench delivered by Hon'ble Shri P.K. Kartha, Vice-Chairman)

In this batch of applications filed by the Casual Labourers employed in the Telecommunication Projects under the Department of Telecommunications, common questions of law have been raised and it is proposed to dispose them of by common judgement.

2. The applicants in some of these applications have worked in the Satellite Project Organisation which is an All India organisation with Headquarters at New Delhi, while some others have worked in other projects such as Cross Bar Exchange and Coaxical Cable Construction Project, all under the Department of Telecommunications. All the applicants have worked for more than 240 days continuously.

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All of them are workmen within the meaning of Industrial Disputes Act, 1947 and are entitled to the protection of Section 25F of the Industrial Disputes Act.

3. The services of the applicants have been terminated on the plea that the work has either decreased, or on completion of the project, there is no need for casual labourers. It is in the above background that these applications have been filed in the Tribunal under Section 19 of the Administrative Tribunals Act, 1985. Some employees who are similarly situated, but working in various other departments of Telecommunications, have filed the writ petition in the Supreme Court which is still pending (Writ Petition No.329/89 - Narotam Joshi & Others Vs. Union of India & Others). The Supreme Court has passed an interim order dated 7th May, 1989 in CMP-9453/89 filed in the aforesaid writ petition to the effect that the services of such of the petitioners who were working on 17th May, 1989, shall not be terminated pending the hearing and final disposal of the writ petition.

4. In another batch of writ petitions filed in the Supreme Court (Ram Gopal & Others Vs. Union of India & Others), the Supreme Court has passed a final order on 17th April, 1990, wherein it was observed that the benefit of the decision in Daily-rated Casual Labour Vs. Union of India & Ors., 1988 (1) S.C.C. 122, must be taken to apply to the petitioners. In view of this, the Supreme Court directed as follows:-

> "We accordingly direct that the respondents shall prepare a scheme on a rational basis for absorbing as far as possible and practicable the casual labourers, including the petitioners who have

continuously worked for more than one year in the Telecom Department and this should be done within six months from now. After the scheme is formulated on a rational basis, the claim of the petitioners in terms of the scheme should be worked out. The writ petitions are disposed of accordingly."

5. The Supreme Court has also passed the following order in CWP-23751/88 in WP-302/86 on 26.9.1988 while giving extention of time by six months to the respondents to comply with its order dated October, 1987 in the case of daily-rated casual labourers:-

"In the meantime, no employee in respect of whom the order dated October, 1987 has been passed by this Court, shall be discharged from service."

6. In the light of the aforesaid orders passed by the Supreme Court and the non-compliance with the provisions of Section 25F of the Industrial Disputes Act, we are of the opinion that the termination of services of the applicants for any reason whatsoever, is not legally sustainable. We, therefore, set aside and quash the orders of termination in OA-1790/89, OA-2072/89, OA-2139/89, OA-2200/89, OA-2234/89 and OA-2369/89 and direct that the applicants shall be reinstated in service within a period of three months from the date of communication of this order. They may be engaged as Casual Labourers, as far as possible, at the place where they had worked earlier, failing which they should be accommodated in vacancies existing anywhere else in India, where the respondents have their offices.

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7. After reinstating them, the respondents shall consider regularising their services in accordance with the scheme prepared by them. Till they are so regularised, they shall be paid the minimum pay in the pay-scale of regularly employed workmen in the respective posts.

8. In the facts and circumstances of the case, we do not direct payment of any back wages to the applicants.

9. CCP-209/89 in OA-2234/89: In this C.C.P., the petitioners have alleged that the respondents did not comply with the interim order passed by the Tribunal on 7.11.1989 to the effect that if the services of the applicants had not already been terminated, their services shall not be terminated. The respondents have stated in the reply filed by them that the order passed by the Tribunal was served on them on 8.11.1989. The services of the petitioners except Shri Vijay Kumar, had been dispensed with by a notice dated 3.11.1989, which was before the date of the interim order passed by the Tribunal. In the circumstances mentioned by the respondents, we cannot hold that they have deliberately and wilfully disobeyed the interim order passed by the Tribunal. In view of this, the CCP-209/89 is dismissed and the notice of contempt discharged.

10. There will be no order as to costs.

11. Let a copy of this order be placed in all the six case files and in the file relating to CCP-209/89.

(D.K. Chakraworty)
Administrative Member

22/5/89.

(P.K. Kartha)
Vice-Chairman(Judl.)