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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
NEW DELHI

O.A. No. 529
T.A. No.

198 8.

DATE OF DECISION May 4, 1988.

Shri Sunder Lal & Others **Petitioners**

Shri E.X. Joseph, counsel **Advocate for the Petitioner(s)**

Versus

Union of India & Ors **Respondents.**


Shri P.H. Ramchandani, **Advocate for the Respondent(s)**


CORAM :

The Hon'ble Mr. Justice K. Madhava Reddy, Chairman.

The Hon'ble Mr. Kaushal Kumar, Member.

1. Whether Reporters of local papers may be allowed to see the Judgement? Yes.
2. To be referred to the Reporter or not? Yes.
3. Whether their Lordships wish to see the fair copy of the Judgement? No
4. Whether to be circulated to other Benches? No


(Kaushal Kumar)
Member
4.5.1988.


(K. Madhava Reddy)
Chairman
4.5.1988.

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CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH
DELHI.

REGN. NO. OA 529/1988

May. 4, 1988.

Shri Sunder Lal & Others ... Applicants.

Vs.

Union of India & Ors. ... Respondents.

CORAM:

Hon'ble Mr. Justice K. Madhava Reddy, Chairman.

Hon'ble Mr. Kaushal Kumar, Member.

For the applicants ... Shri E.X. Joseph, counsel.
For the respondents ... Shri P.H. Ramchandani,
Sr. counsel.

(Judgment of the Bench delivered by Hon'ble
Mr. Justice K. Madhava Reddy, Chairman)

This is an application under Section 19 of the
Administrative Tribunals Act, 1985, calling in question the
order No. TCD-II/EE/DR/128 dated 23.3.1988 (Annexure A-5)
by which the services of the applicants stand terminated
with effect from the afternoon of 23.3.1988.

From the order dated 28.7.1987 (Annexure A-3),
it would appear that the respondents have taken a decision,
to retrench the Daily Rated Mazdoors in each Division who
were appointed after 1.4.1985. But the same order also
discloses that consequent upon such retrenchment, the
respondents are in dire need of filling up of those vacancies
and they have asked all the General Managers to depute
available officials for appointment against these posts.
In other words, the administrative decision to retrench
all those Daily Rated Mazdoors who joined after
1.4.1985 has resulted in these vacancies.

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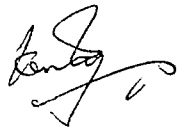
The Supreme Court by its judgment dated 27.10.1987 in Writ Petition No.373 of 1986 filed by the Daily Hated Casual Labour employed under P&T Department Vs. Union of India & Others directed:

"the respondents to prepare a scheme on a rational basis for absorbing as far as possible the casual labourers who have been continuously working for more than one year in the Posts and Telegraphs Department."

The Supreme Court further directed:

"The arrears of wages payable to the casual labourers in accordance with this order shall be paid within four months from today. The respondents shall prepare a scheme for absorbing the casual labourers, as directed above, within eight months from today".

The impugned order of retrenchment in this application is made thereafter on 23.3.1988. The applicants have admittedly put in nearly 3 years of service. Therefore, as per the directions of the Supreme Court, they were entitled to be absorbed and also entitled to receive wages, if any, due. The administrative decision to retrench all those that were employed after 1.4.1985 can, therefore, no longer hold good. In fact, all those that are employed after 1.4.1985, even if they had continued for one year, are entitled for absorption in view of the orders of the Supreme Court. These applicants being entitled to be absorbed, their services could not be terminated. No sooner than the orders of



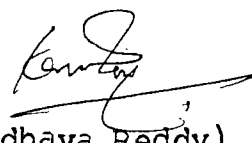
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termination were served, the applicants rushed to this Tribunal and filed this application on 29.3.1988 and prayed for interim relief. This application was admitted on 5.4.1988. In the circumstances, we direct that these applicants shall be reinstated in service forthwith. The impugned order of termination is accordingly quashed and the respondents are directed to reinstate the applicants with immediate effect and in any case, not later than 9th May, 1988. They shall, thereafter be continued in service and shall be absorbed in accordance with the scheme that is said to be under preparation. It is also hereby declared that even if no formal orders reinstating them in service on or before 9th May, 1988 are issued, they will be entitled to the wages due to them from 9th May, 1988 onwards. This application is accordingly allowed. There will be no order as to costs.

Order Dasti be issued to both the parties.



(Kaushal Kumar)
Member
4.5.1988.



(K. Madhava Reddy)
Chairman
4.5.1988.