

(29)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

PRINCIPAL BENCH, NEW DELHI.

OA.No.2575/90

Dated this the 23rd Day of February, 1995.

Shri N.V. Krishnan, Hon. Vice Chairman(A)

Dr. A. Vedavalli, Hon. Member(J)

1. Nagpur Telephones Casual Labour Union through its President, Adv. Miss. Sulekha Kumbhare, Kamptee, District Nagpur.
2. Shri Yogendra Singh, C/o Adv. Miss. Sulekha Kumbhare, Hardas Nagar, Kamptee, District Nagpur. ....Applicants

By Advocate: Shri P.L. Mimroth, though not present.

versus

1. The Union of India through its Secretary, Ministry of Labour & Telecommunication, North Block, Central Secretariate, New Delhi.
2. The Chief General Manager, Telecommunications, Maharashtra Circle, Bombay, V.T.
3. The General Manager, Telecommunications, Railway Electrifications, Project Circle, 300-B, Henessey Road, Civil Lines, Nagpur-1.
4. The Assistant Engineer, Telecommunication, Railway Electrification, AKOLA. ....Respondents

By Advocate: Shri P.H. Ramchandani by Shri J.C. Madhan.

O R D E R (ORAL)

(By Shri N.V. Krishnan)

The 1st applicant is the Nagpur Telephones Casual Labour Union through its President and the 2nd applicant is stated to be an employee, affected by the decision of the respondents, to terminate his services by the order dated 11.11.90 (Annexure.B).

2. The applicants were working under respondent No.4, the Assistant Engineer, Telecommunication, Railway Electrification, Akola. By the impugned Annexure-B order dated 11.11.90 addressed

✓ and similar order to one Shri Ramakant S/o Shanker Yadav / their services were terminated from 11.12.90 giving them a notice of one month.

3. This OA ought to have been filed before the Bombay Bench of the Tribunal. A perusal of the record shows that MP.3132/90 was filed before the Principal Bench under Section 25 of the Administrative Tribunal's Act, 1985, stating that, as no Bench of the Tribunal was then sitting at new Bombay, the applicants be permitted to file an OA before the Principal Bench. That MP was allowed and that is how this application is being heard by us.

4. On 11.12.90, a notice was directed to be issued to the respondents and as an interim measure, the respondents were directed, not to terminate the services of the applicants pursuant to the order dated 11.11.90.

5. The respondents filed their reply on 20.8.91 contesting the claims of the applicants. It was stated that the Railway Electrification Project at Akola is concerned with the work of a temporary nature, namely, replacing of the telephone cables which run parallel to the Railway lines. It has to be shifted from place to place after the work is over and accordingly, the casual labours engaged at a particular place are disengaged and lateron, when work is taken up at some other place, some others are engaged at that spot for continuing the work.

6. It is seen from the record that the respondents made a submission on 20.8.92 that the dispute involved in this case already stands concluded by the decision of the Bombay Bench of the Tribunal in OA.179/91.

7. Thereupon, the applicants moved MP.2636/92 before the Hon. Chairman for transfer of this OA to the Bombay Bench of the Tribunal. That was disallowed on 23.10.92. Since then, the matter is pending at this Bench.

8. A copy of the judgement of the Bombay Bench in OA.179/91 in the case of Nagpur Telephones Casual Labour Union through its President, Advocate Miss. Sulekha Kumbhare versus Union of India

(22)

through its Secretary, Department of Telecommunication, is kept on record. This was filed by the learned counsel for the respondents.

9. We have perused the judgement. We are satisfied that the dispute adjudicated therein, is the same as the dispute raised before us in this OA. We find that, that OA has been allowed in part with certain directions to the respondents, which apply to the casual labours working in the territorial jurisdiction of the Akola Unit for various functions and not merely to the applicants therein. In other words, that order covers the case of the present applicants also, who are also casual labours working in the Akola Unit.

10. In the circumstances, we are of the view that there is no need for further adjudication of this matter as this has been settled by the decision rendered in OA.179/91. That decision shall be implemented by the respondents in respect of the present applicants also.

11. At this stage, Shri J.C.Madan, proxy counsel for Shri P.H.Ramchandani, appears on behalf of the respondents.

12. The respondents are, therefore, directed to implement the decision rendered by the Bombay Bench of the Tribunal in the case of the applicants also. In view of the detailed directions given in OA.179/91 by the Bombay Bench, the interim order issued in this case is vacated.

13. The OA is disposed of accordingly. No costs.

A. Vedavalli  
(DR. A. VEDAVALLI )  
MEMBER(J)

N.V. Krishnan  
(N.V. KRISHNAN)  
VICE CHAIRMAN(A)

/kam/

23.2.95