

CENTRAL ADMINISTRATIVE TRIBUNAL ALLAHABAD BENCH

Transfer Applicant No. 1437 of 1987

Prem Shanker & Others Applicant
Versus

Union of India & Others Respondents.

Hon'ble Mr. Justice U.C. Srivastava, V.C.

Hon'ble Mr. K. Obayya, Member (A)

(Hon'ble Mr. Justice U.C. Srivastava, V.C.)

This is a transferred case under section 29 of the Administrative Tribunals Act, 1985 which has been transferred to this Tribunal. The applicants challenge the retrenchment order dated 12.5.1982 in which their names also find place alongwith the other names, which was pasted on the Notice Board by which their services were terminated. The applicants were not served with the individual notice of retrenchment as provided under section 25-F of the Industrial Disputes, Act, 1947. From the facts as stated by the parties it is clear that the applicant was working as a Survey Khalasi, As mate, and Gang Leader for several years and they attained temporary status.

2. According to the respondents ~~while~~ the works were over, that is why their services were terminated, ~~which~~ which has been stated in their reply that on 15.5.82 the applicants were offered wages in lieu of notice period and retrenchment compensation but all the petitioners refused to accept either the notice or the wages in lieu of notice. Though in the rejoinder affidavit ~~in which~~ it has been stated that in lieu of notices ^{wages} were not offered, one fact is clear that notices were not individual but combined notice was sought to be served upon these applicants and the applicants did not take it as such it can not be said ~~as stated in their reply~~

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that there was no substantial compliance of paragraph under section 25-F of the Industrial Disputes Act.

3. On behalf of the applicants it was contended that some of the similarly placed persons approached this tribunal and their application was allowed on this ^{and} ground that they are working. Obviously, even otherwise the services of the applicants have been terminated, they could have been offered alternative appointment in order of seniority, and their names should have been entered in live Register. If work of one project is over and the work in other project must have started and such working always goes on and there was no reason why the applicants should not have been offered the said appointments, and accordingly the respondents are directed to include the names of the applicants in live register from the date their services have been terminated and in case the persons who were taken as casual labourer, have been continued in service and have been appointed and absorbed, the applicants shall be given priority and preference in the matter of appointment and shall be appointed. If those who were working with the applicants and they have been taken back in service under the order of tribunal and any order of the court and the applicants be also ~~to~~ treated ^{or} ~~at~~ the same par and they shall be taken back in service though wages for the period during which they have ^{not} worked up till now will not be paid to them and it is expected that this will be done within three months on any project or anywhere held which is under the control of the respondents.

Member(A)

Vice-Chairman

Allahabad dated 26th March, 1992.

(RKA)