

IN THE CENTRAL ADMINISTRATIVE TRIAUNAL  
AHMEDABAD BENCH

O.A. No. 651 of 1993.  
T.A. No.

DATE OF DECISION 08th December, 1993.

S The Digital Telephone Exchange, Petitioner  
Rajkot.

Shri Akhil Kureshi Advocate for the Petitioner(s)

Versus

Mr. P. J. Harsh Respondent

Advocate for the Respondent(s)

CORAM :

The Hon'ble Mr. N. B. Patel : Vice Chairman

The Hon'ble Mr. K. Ramamoorthy : Member (A)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgement ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?

No,

: 2 :

The Digital Telephone Exchange,  
Rajkot.

...Applicant.

( Advocate : Mr.Akil Kureshi )

Versus

Shri Pragnesh Jayantilal Harsh,  
C/o. M.C.Pandya,  
5, Raghuvir Para,  
Rudraprasad,  
Rajkot.

...Respondent.

ORAL ORDER

O.A.NO. 651 OF 1993.

Dated : 08th Dec.1993.

Per : Hon'ble Mr. N.B.Patel : Vice Chairman

We have ordered issue of notice to the respondents only on condition that the applicant shall deposit Rs.500/- for payment to the respondents on his filing appearance. <sup>which condition is not fulfilled.</sup> We have done this in order to find out whether there was any possibility of amicable settlement. Otherwise, we were of the prima facie opinion that the award of the Industrial Tribunal did not require interference ~~at~~ on our hands. We now find that our prima facie view is correct because if the Digital Telephone Exchange, Rajkot, was wrongly shown as party, he should not have participated in the proceedings before the Industrial Tribunal and should have insisted upon issuance of notice to the Installation Party, G.M.Project, Bombay. We find no merit in the application and summarily reject the same.

1/2  
( K.Ramamoorthy )  
Member (A)

7  
( N.B.Patel )  
Vice Chairman

Submitted,

Letter dated 21/6/1995 received from Supreme Court of India, New Delhi stating that the Supreme Court vide its order dated 19/9/1995 has dismissed the S.L.P. No: 23016/95 arising out of D.A.No: 651 of 1993 of this Bench.

1/1/1995  
Deputy Registrar (J)

1. Hon'ble the Vice Chairman.

3/8/95

2. Hon'ble Mr. V. Radhakrishnan, Member (A)

3. Hon'ble Mr. K. Ramamoorthy, Member (A).

X-X-X-X

CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD BENCH

AHMEDABAD

Application No. OA/651/93 of 199

Transfer Application No. \_\_\_\_\_ Old Writ Pet. NO. \_\_\_\_\_

C E R T I F I C A T E

Certified that no further action is required to be taken  
and the case is fit for consignment to the ~~Recd - Room~~ (Decided).

Dated : 16/12/93

Counter-<sup>dated</sup> :  
27/12/93

Section Officer/Court Officer

Sign. of the dealing Assistant.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
AT NEW DELHI

## INDEX SHEET

CAUSE TITLE..... 071657193..... OF 198□.

NAME OF THE  
PARTIES..... Digital Telephone Exchange, Rajkot  
VERSUS  
Smt. P. J. Harsh,  
PART A B & C

**PART A B & C**

CIVIL NO.	DESCRIPTION OF DOCUMENTS	PAGE
	O.A.	1-32
	Judgement Ref. (TIC 127/89)	35-58
	Oral orders dr 08/12/93	

Serial Number of the Application

OA/ 651 193

I N D E X

Sl. No.	Date of paper or date of filing	Description of paper	Part to which the paper belongs	Page Nos.	Remarks
(	14/5/93	OA	A	1 to 32	
			B	1 to 32	
	Judgment Rep. (TIC/27/89)	A	356058		

## IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD.

OA/PA/MA/RA/CA No. OA/ 651/93Digital Telephone Exchange Mr. Alvi / Raveshi  
APPLICANT (s) Rajkot COUNSEL

VERSUS

Mr. P.J. Harsh

RESPONDENT (s)

COUNSEL

DATE	OFFICE REPORT	ORDERS
25.8.93		None present. Office objection not complained. Adj. to 17.9.93 for compliance of office objection <i>16 Sept 93</i>
17.9.93	Office objection not removed. Adj. for removal of objection on 18.10.93	<i>Q</i> 1/c Registration
18.10.93	Office objection not removed. Adj. to 22.10.93.	<i>Q</i> 1/c Registration
22.10.93	Office objection not removed though objection letter and reminder are issued. This matter may be placed before Hon'ble Court if necessary orders on 1.11.93.	Prahar 1/c Registration

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

AHMEDABAD.

OA/TA/MA/RA/CA No.

CA/ 651 193

Digital Telephone Exchange <sup>3</sup> Mr. A.C. Patel Arvind

APPLICANT (s) Rajkot COUNSEL

VERSUS

Mr. P. J. Harsh

RESPONDENT (s)

COUNSEL

DATE	OFFICE REPORT	ORDERS

CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABAD BENCH  
AHMEDABAD

Submitted :

C.A.T./Judicial Section.

Original Petition No 651  
of 93

Miscellaneous Petition No \_\_\_\_\_  
of \_\_\_\_\_

Shri Digital Telephone Exchange Rajkot Petitioner(s)  
versus  
P.T. Harsh Respondent (s)

This application has been submitted to the Tribunal by  
Shri Atul Keneshwari.

Under Section 19 of the Administrative Tribunal Act, 1985. It has been scrutinised with reference to the points mentioned in the check list in the light of the provisions contained in the Administrative Tribunal Act, 1985 and Central Administrative Tribunals (Procedure) Rules 1985.

The application has been found in order and may be given to concerned for fixation of date.

The application has not been found in order for the reasons indicated in the check list. The applicant advocate may be asked to rectify the same within 14 days/draft letter is placed below for signature.

ASSTT. 1. English translation of application  
S.O.(J) Q16. OPZ  
D.R.(J) 09-6-83 Letter issued on 10/6/83  
09-6-83 Q16  
10/6

Submitted  
Kindly receive under  
office objection has not been completed  
with. A signature is placed below for signature  
of advocate.

Q16 S.O.(J) 09-6-83  
30/6/83 09-6-83  
30/6/83

DR/CD Manik 30/6/83

Letters issued  
09-6-83  
Q16  
09-6-83

Submitted

Kindly see orders on overleaf.

The office objections have not been  
formulated yet. The matter, if affirmed, will  
be ~~transferred~~ placed before  
the Legislature for further directions.

Mo

SO (CJ)

may be kept in  
BR Board on ~~15~~ 18893

Arrived  
17.893

Daily DR/CJ  
18893

Submitted,

obj. has been removed by

Adv. Celle today, matter may be  
placed before Hon'ble Bench

for necessary orders, with regular No.

Whattil  
use  
05/11/93

SO (CJ)

DR/CJ  
8/11/93

OA st. 252/93

BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABAD BENCH AT AHMEDABAD

ORIGINAL APPLICATION NO. (65) OF 1993

Digital Telephone Exchange  
Rajkot

..Applicant

vs.

Shri Pragnesh J. Harsh

..Respondent

I N D E X

Annex.	Description	Page Nos.
-	Memo of application	1-11
A1	Copy of letter dt.31.8.87. English translation of Annex-A1.	12-13
A2	Copy of the reply of the applicant filed before the Industrial Tribunal.	14-15 <del>14</del> -16 16-18
A3	Copy of impugned judgment and order dt.9.11.1992. English translation of Annex-A3.	19-34 <del>19</del> -32 <del>33-34</del> 35-58

From:

Mr. Akil Kureshi

Ad

2+1=3

14-5-93

BEFORE THE HON'BLE CENTRAL ADMINISTRATIVE TRIBUNAL  
AHMEDABAD BENCH AT AHMEDABAD

ORIGINAL APPLICATION NO. 651 /1993

The Digital Telephone Exchange,  
Rajkot.

.. Applicant

v/s.

Shri Pragnesh Jayantilal Harsh,  
Pandy  
C/o. M.C. Pandey, <sup>Pore</sup>  
5 Raghuvir Dharé,  
Rudraprasad, Rajkot.

.. Respondent

1. Particulars of the applicant:

(i) Name of applicant: The Digital Telephone-  
Exchange, Rajkot.

(ii) Name of father of applicant: ---

(iii) Age: ---

(iv) Designation: ---

(v) Address for service: As per cause title.

2. Particulars of the respondent:

(i) Name: As given in the cause title.

(ii) Name of father:

(iii) Designation & address  
of the office in which  
employed:

(v) Address for service of  
notice: As per cause title.

3. Particulars of the order against which the  
application is made.

The present application is filed against the  
judgment and order dated 9.11.1992 passed by  
the Central Industrial Tribunal, Ahmedabad,  
in Ref. (ITC) No. 27 of 1989.

4. Subject in brief:

The present application is filed against the  
judgment and order dated 9.11.1992 passed by  
the Hon'ble Industrial Tribunal, Ahmedabad,  
in Reference (ITC) No.27 of 1989 between the  
applicant and the respondent whereby the  
Reference at the instance of the present  
respondent was allowed. The present applicant  
i.e. the Department was directed to reinstate  
the respondent and to pay backwages for the  
period between the date of termination and  
the date of reinstatement.

3

5. Jurisdiction of the Tribunal:

The application is filed against the judgment and order of the Central Industrial Tribunal, Ahmedabad, which is within the local jurisdiction of this Hon'ble Tribunal and this Hon'ble Tribunal has jurisdiction to entertain this application.

5A. Limitation:

The applicant declares that the present application is filed within the limitation prescribed under section 21 of the Administrative Tribunal Act, 1985.

6. Facts of the case:

6.1. The present application arises out of the dispute between the applicant and the respondent regarding termination of the services of the respondent. The Hon'ble Central Industrial Tribunal, Ahmedabad, by its judgment and order dated 9.11.92 passed in Reference (ITC) No.27 of 1987 was pleased to allow the reference as mentioned above and was pleased to declare that the respondent is deemed to be in service with continuity and the applicant was directed to pay backwages for the period i.e. from the date of termination till date of reinstatement.

6.2. The aforesaid dispute was referred at the instance of the present respondent. It is submitted that the respondent was engaged as a casual labourer by different organisations for different periods and he was engaged for specified work on purely temporary basis for casual nature of work of installation of Telephone Exchange. It is submitted that the ~~same~~ <sup>termination</sup> was not done by the present applicant i.e. the Telecom District, but the respondent was engaged for the above mentioned work in 1986 by entirely different organisation namely Installation Party of General Manager, project, Bombay, for installation work of D.TAX Telephone Exchange, Rajkot. The details of the engagement of the respondent as casual labourer are given below:

<u>Period</u>	<u>Days</u>	<u>Worked under Organisation/Unit</u>
Jan.82 to July 82	107	A.E.(MIS), Rajiot (As part-time Hamal)
Aug.82 to Sept.83	Break	Not worked
Oct.83 to Jan.84	104	Worked under A.E., NEC, Cross Bar Installation work.
Feb.84 to Dec.84	281	J.E., NEC, Cross-Bar Installation Party, at Rajkot.

S

Jan. 1985	Break	Not worked
Feb. 85 to Jul. 85 148	A.E., NEC, TAX Bldg., Rajkot (another organisation)	
Aug. 85 to 19.10.86	Not worked, left away.	
20.10.86 to Aug. 87 302	Installation party of D.TAX Installation, Rajkot, under G.M. project, Bombay (another organisation).	

Thus, it can be seen from the above facts that the respondent has worked as casual labourer with for different organisations with different periods with break on account of his own leaving the work. It is submitted that since the installation work was to be completed by August 1987 all casual labourers were served with one month notice by their employer i.e. the Installation Organisation the General Manager, Project, Bombay, on 31.7.1987. It was mentioned that all the casual labourers under the installation party would be relieved with effect from 31.8.1987 and installation work is expected to be completed in the month of August 1987. The respondent was also served with similar notice and he accepted the same. It is submitted that thereafter the Exchange was taken over by the present applicant i.e. under the control of the General Manager Telecom District Rajkot and as casual labourers were required for maintenance work

the respondents along with other casual labourers were offered work by the Assistant D.E.T.(D.TAX) Rajkot vide letter dated 31.8.1987. However, the respondent refused to sign the said letter. Hereto annexed and marked Annexure A1 is a copy of the said letter. Two Junior Telecom Officers were witnesses to the incident and they have put their signatures for the same. It is therefore, clear that the respondent was not willing to work though the work was offered to him by the applicant. Others who were willing to work were taken on duty on casual basis with effect from 01.9.1987. The respondent instead of accepting the alternative work after his termination with effect from 31st August 1987 raised an industrial dispute against the present applicant. As the conciliation proceedings ended in failure the dispute was referred to the Industrial Tribunal. The applicant had also filed reply before the Industrial Tribunal. Hereto annexed and marked Annexure A2 is a copy of the said reply.

6.3. The Central Industrial Tribunal, Ahmedabad vide its judgment and order dated 9.11.1992 as aforesaid was pleased to allow the application and was pleased to declare that the respondent should be treated to be in service and was further pleased to direct the applicant to pay backwages from the date of termination till reinstatement. Hereto annexed and marked Annexure A3 is a copy of the said judgment and order.

7

6.4. Being aggrieved by and dissatisfied with the said judgment and order (Annexure A3) the applicant begs to approach this Hon'ble Tribunal on the following amongst other grounds:

G R O U N D S

- (1) That the impugned judgment and award are illegal and unlawful.
- (2) That the impugned judgment and award are passed without proper application of mind.
- (3) That the impugned judgment and order under challenge are contrary to law applicable to the case and facts.
- (4) That the impugned judgment and award are not supported by any evidence on record and material produced by the parties.
- (5) That the Tribunal has gravely erred in law as well as in facts in coming to the conclusion that the termination is bad and illegal.
- (6) That the Tribunal ought to have appreciated that termination was just, proper, legal and there was no legal ~~xxpæ~~ impediment and the judgment and order passed by the Tribunal for reinstatement and backwages are illegal and unlawful.

(7) That it ought to have been seen that the applicant ~~was~~ in the Reference (present respondent) was engaged for specified work of purely temporary and casual nature. The respondent was working as casual labourer for specified work and the services of the respondent were terminated on completion of the specified work. Therefore, there is no illegality in the order of termination.

(8) That the Tribunal ought to have appreciated that the applicant in the reference (present respondent) was never engaged <sup>and terminated</sup> by the present applicant, but the respondent was engaged by the General Manager, Project, Bombay and passing of such order against the present applicant is illegal and unlawful. As the present applicant had nothing to do with the engagement of the respondent the impugned order of termination passed against the applicant in the reference (present respondent) was absolutely in order and the same could not have been quashed.

(9) That it ought to have been appreciated that the applicant in the reference (present respondent) was not interested in working though immediately after his termination he was offered work along with six other casual labourers. If the ~~app~~ respondent was sincere he ought to have

accepted the work. On the contrary, he refused to accept work and thereby disentitled himself from getting any relief. In the view of these facts the order of termination could not have been struck down. Further, the order of backwages is also bad in law on account of the aforesaid facts.

(10) It is submitted that the tribunal has gravely erred in awarding reinstatement with backwages. The respondent is only a casual labourer. The backwages of the entire period is unfair and illegal.

(11) The Tribunal has lost sight of the fact that the respondent would have been gainfully employed somewhere as he could not have survived without any assistance at all and that direction for payment of entire backwages was grossly unjust.

(12) The Tribunal ought to have appreciated the facts and circumstances of the case and particularly the fact that there was no violation of the provisions of Section 25F of the Industrial Disputes Act.

7. The details of the remedies exhausted:

The applicant declares that the applicant has no other alternative remedy except by way of filing this application. The applicant has exhausted all the remedies under the law.

8. The applicant further declares that in connection with the present subject matter no other writ, appeal or application is pending before any other Court or tribunal.

9. The Reliefs sought:

In view of the facts stated above the applicant prays that:

(A) the impugned judgment and order dated 9.11.1992 (Annexure A3) passed by the Central Industrial Tribunal, Ahmedabad, in Reference (ITC) No.27/89 be quashed and set aside;

(B) Such other and further relief as may be deemed just and proper be granted.

10. -im  
Inter/relief:

The applicant prays that pending the notice, admission and final disposal of this application the implementation, execution and operation of the impugned judgment and order dated 9.11.1992 (Annexure A3) passed by the Central Industrial Tribunal, Ahmedabad, in Reference (ITC) No.27 of 1989 be stayed;

11. **particulars of Postal order:**

Number: 801 922479

Date: 14-5-93

Amount: 50 200

Payable at Navjivan P.O.Rajkot  
Ahmedabad,

Dt. 30-4-1993.

M. M.  
30/4/93**Verification**I. R.P. Patel

working as Asst. Engr (L) % 6077D, Rajkot

with the applicant do hereby verify and state that  
*as on record and*  
what is stated above is true to my knowledge, information and belief and I believe the same to be true.  
I have not suppressed any material facts.Rajkot  
Ahmedabad,

Dt. 30-4-1993.

M. M.  
30/4/93Filed by Mr. Akil kureshi  
Learned Advocate for Petitioners  
will second set & one spare  
copies copy served not served to  
other sideDy. Registrar C.A.T.O  
Ahmedabad BenchRecd on  
25/5/93C.M.  
25/5



13

(1) 8/2/91 - 2nd 3rd and 4th ~~7/10/91~~

(2) 01/2/91 - M.L.G. Bhett ~~5/10/91~~

(3) 21/2/91 - 21/2/91/91

(4) 21/2/91 - 21/2/91

(5) 21/2/91 - Bhupendra Singh (Singer)

(6) 02/3/91 - Bhavt. Munoj G.

Appd  
Munoj  
30/4/91

सहा. अमितलाल (विवि)  
ASSTT. ENGINEER (LEGAL)  
म. प्र. दू. जि. का. कार्या. राज.  
O/o. G. M. T. D. RJ.

True Translation -

Annexure 'A1'

14

Original Letter

From

A.D.R.T. (D. TAX).

RAJKOT

Dated 31/8/87.

No. DTEIMR8 7/88-1 -

To

All the Casual Labours.

D. TAX RAJKOT.

Subject:- Matter of appointment in the services -

On the above, subject, it is stated that four labourers from the five labourers mentioned below are to be kept in D TAX MTCE only for the month of September 1987 and the work mentioned below is to be carried out. Those who agree to the following work may sign in there. So, he shall be taken up as casual labourer for one month only and that they shall be relieved on the day dated 30/9/87 without giving any nature of Notice :

- (1) Harsha Pragnesh (6) Bhatt Manjo.
- (2) Bhatt Virat
- (3) Raval Pusav
- (4) Sing
- (5) Chavda Pravin

15

|2|

Works to be carried out in MHC :

- (1) Cleaning of D.T.A 2 Switch Room & PCM Room
- (2) Cleaning of Store Room
- (3) To assist in JTO and Tech in their work.
- (4) Any work to be done as told by JTO ADET

If the abovementioned work to be done is  
agreeable to you, then append signature at  
the back

Sd/-

31/8

(A. D. E. T.)

Sd/-

DTAX

30/4/93

Asstt. Engineer (Legal).

c/o G. M. T. D. Rj.

True Translation

verified by me -

*Akai Kureshi*

Advocate.

(29)

In the Industrial Tribunal at Ahmedabad.

Reference no. (I.T.) (C) no. 27

Annex-A2

Industrial Dispute

between

The Divisional Engineer Telephone's, Rajkot  
and

Shri Pragnesh J. Harsh

Termination of Service thereof.

16

The demand dated 18-4-89 submitted by the applicant actually received only on 1-5-89, reply to the demand could not be submitted on due date in this regard kindly refer this office Telegram No. E-1/PJ Harsh/GI/87.88/27 dated 28-4-89. Therefore condone the delay, however reply to the demand is submitted hereunder.

Reply of Management to demand/reference.

The applicant has not submitted any proof in token of having worked with the Management. The paravise reply is as under.

Para (1) The official was not appointed as a Casual labour in 1982. Divisional Engineer Phone's & Tax Rajkot not any such appointment letter was given to him by this office.

Para (2) He was employed as a labour by the another organisation viz., installation party of G.M.M. By for the installation work of NEC Telephone exge. at Rajkot and installation of D.Tax machinery as a Casual Labour as daily wages for a temporary period with break in Service which he left away without any intimation.

Details of duty as Casual Labour performed by the official in difference organisation is given below.

(1) Jan 1982 to July '82 - 107 days worked under AM MIS Rajkot.

(2) Aug 1982 to Sept '83 - Break (not employed)

(3) Oct. 1983 to Jan. '84 - 104 days worked under A.E. (NEC) cross Bar installation work by installed.

(4) Feb. 1984 to Dec. '84 - 281 days worked under J.E. NEC cross bar installation party work at Rajkot.

(5) Jan. 1985 to Jan. '85 - Break Not worked left away.

(6) Feb. 1985 to July '85 - 148 days worked under A.E. (NEC) TAX BLDG. (The official has not worked at Rajkot (another organisation.)

(7) Aug. 1985 to Oct. '86 - (19-10-86) Not worked & left away without any intimation.

(8) 20-10-86 to Aug. '87 - Worked under installation party of D.TAX installation at Rajkot (under G.M.M. BY (another organisation))

(para 1) Several days from 1st and 2nd week of Dec. 1986 to 1st week of Jan. 1987 (not working) regarding which (Cont. .... 2)

Details of duty as Casual Labour performed by the official in difference organisation is given below.

17  
 (.....2.....)  
 This from above details it is noticed that he has worked under 3 & 4 different organisation for different periods with break by living the job after completion of work of short period.

Since the work of installation was completed in Aug '87 he was served with one month notice by installation organisation of G.M. Project on 31-7-87 vide their letter No. G.M.P. -By D. Tax -M.R./Rj dated 31-7-87 stating all the casual labours working under the installation party will be relieved W.E.F. 31-8-87 as such notice of termination was served to him entitled for any remedy for any disputes.

Actually this office has not employed him or dismissed him from services, he was employed by G.M Project By installation Division for their installation work which was of temporary nature as soon as the work was completed all the casual labours were relieved with one months notice which as required under the rule.

Sub para 1 to 10

- (1) The applicant was not victimised or relieved with bad intension for any illegal cause by this office as he was not relieved on 31-3-87 by this office but relieved by the installation authority of G.M. By which as a separate and fully independent unit having their own establishment management, paying authority etc. therefore the applicant who were working in that unit is not binding to the telephone District Manager, Rajkot.
- (2) After 31-3-87 the D.Tax exco was taken over by this office and for maintenance work casual labours were required and the applicant was asked to work for the maintenance work of exco. by this office but he did not accept the offer not only that but the letter of dated 31-8-87 for giving him offer did not accept by the applicant and he left at his own accord therefore another who were willing to work for maintenance of exco were employed as a casual labour by this office w.e.f. 1-9-87.
- (3) The applicant was not retrenched or relieved by this office.
- (4) It is wrong that any officer of this office had asked the applicant to do any personal work where he was working under installation Party.
- (5) No comments.
- (6) No comments.
- (7) No comments.
- (8) The applicant was not called or employed through employment exco by this office.
- (9) As he was not retrenched or relieved by this office this para is not applicable.
- (10) The certificates copies produced by the applicant for the no.of days (year wise) Reveals treat the applicant has left the services from Aug '85 to Oct. '86 about 15 months which was quite illegal and indiscipline and therefore the applicant is not entitled for certifying his services prior Aug '85.

(.....3.....)

16/18

Therefore the retrenchment of his services from installation organisation is not applicable to this office and their decision to relieve the casual labours after completion of the work allotted to the installation part is not illegal and unconstitutional and is binding to the applicant.

As this unit is a different organisation and the applicant was not employed by this unit the applicant is not entitled for any payment of wages nor entitled for any seniority, promotion etc. under this organisation.

He is also not entitled for any remedy for any experts.

*Off*  
(J. I. VASANADA)

D. E. Phones (Adm.)  
o/o TDM, Rajkot.

DJV/890527/

9/C

Regd. No. F. 1/121/P/ March /89. 88/29 Date 1-6-88

to the Honorable, the Bench of the Industrial Labour Court Ahmedabad

Forwarded to Secy, Industrial Labour Court Ahmedabad.

Examination party of G.M.T.D. by the Bench of the Industrial Labour Court Ahmedabad.

Examination party of G.M.T.D. by the Bench of the Industrial Labour Court Ahmedabad.

Examination party of G.M.T.D. by the Bench of the Industrial Labour Court Ahmedabad.

Affected

Examination party of G.M.T.D. by the Bench of the Industrial Labour Court Ahmedabad.

Examination party of G.M.T.D. by the Bench of the Industrial Labour Court Ahmedabad.

Examination party of G.M.T.D. by the Bench of the Industrial Labour Court Ahmedabad.

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Examination party of G.M.T.D. by the Bench of the Industrial Labour Court Ahmedabad.

Examination party of G.M.T.D. by the Bench of the Industrial Labour Court Ahmedabad.

Examination party of G.M.T.D. by the Bench of the Industrial Labour Court Ahmedabad.

Examination party of G.M.T.D. by the Bench of the Industrial Labour Court Ahmedabad.

(Contd. on back)

## Annex A3

et al., 1993). Generalization from one model to another is not possible.

Fig. 3 (46231) 1.250

109

37-92237-1000000, 210000

10

1941. 5. 14. 127. 48. 8.

## 2. *Wetzelia* *leptophylla* *Griseb.*

10. Dr. W. H. Goss, of Boston, Mass.

1960 1961 1962 1963 1964 1965 1966 1967 1968

Many names are also mentioned in the list.

काले या लाले रंग की है। त. ३. १०८।

卷之三

Journal of the Royal Statistical Society, Series B (Statistical Methodology), Vol. 75, No. 2, 2007, pp. 233–252

all est. 20+20+20+10 SH sets: 80-100-12-14-16-18-20-22-24-26-28-30

For more information, contact the U.S. Fish and Wildlife Service, 810 18th Street, NW, Washington, DC 20585, or call (202) 720-5200.

<sup>42</sup> See, for example, the discussion of the 1997-98 budget in the *Financial Times*, 27 January 1998.

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4. Stage One will be the first step in the process of creating a new culture.

କାହାର କାହାର କାହାର କାହାର କାହାର କାହାର କାହାର କାହାର କାହାର କାହାର

qui sunt manus eius et qui sunt voces eius et qui sunt

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19. *U. S. Fish and Wildlife Service, Biological Report 82(12): 1-100.* 1982.



11.2.11

ચુંગાંદુલી વાડાં પાંડા, આ કોણ કોણ ખોટું કા કાંઠાં પુણું  
પાંડાંદુલીના કુનીયર સુશીલીયર ટા.કો-સુલેલા રોજ ખાંડી  
નોડાંદુલી જુદુલ નાંદી બેબા ડાંસાંદુલી ખોટું નોડાંદુલીયર કુંડા  
કુંડા ઠે કિ નિર્દ્દિશ કો કુંડા નીચેના ડાંસોંદુલી ગેડેલે, ગેડેલેલુંદુલીય  
અન બીનખાંદુલી ઠે.

કાંડુલી :-

(1) આ કાંડુલીને કુંડા કશાની નિર્દ્દિશ કોણ નોડાંદુલીયર  
કશાના વડાંદુલીયરાંદુલી કશાનીયર આફિસ ઠે કાંડુલી કાંડુલી  
નાંદી ખાંડાંદુલી પણ નોડાંદુલી રહેલા કાંડુલીને ચાંદુલીયર  
ખાંડુલીને મનુસ્કી રીતે કુંડા કશાની આવેલા ઠે. આ લીજા  
પાંડાંદુલી પુણું પાંડાંદુલી નાંદાના અંગારાંદુલીયર પાંડાંદુલીયર  
કશાના કોણપાના કશાનાંદુલી આફિસ કાંડની કોણી  
કશાનીયર આવતી હતી. આજા ખોટું કાંડ કશાનીયર પાંડાંદુલી ન કશાન  
ખાંડાંદુલી આવતી હતી કાંઠો કશાના કશાનાંદુલી આફિસ ની કશાનાંદુલી  
કશાનીયર આવેલા ઠે.

(2) આ કાંડુલીને જ્યારે નોડી પણ કાંડ કો લે કાંઠી  
નાંદાંદુલી કુનીયર અંધારીયોને કુંડાંદુલી ખાંડાંદુલી નાંદી આફિસ  
કુંડા કશાનીને કુંડા નાંદાંદુલી કશાનાંદુલી કશાનાંદુલી નાંદી ૧૫-૧  
નાંદી આવતી હતી. નાંદાંદુલી કુનીયર અંધારીયોને કુંડા નાંદી ૧૫-૧  
નાંદી કશાનીનું નાંદી નીચે કુંડા ઠે.

1. કુંડા નાંદી ૧૫-૧, ૨. કુંડા નાંદી, ૩. કુંડા નાંદી ૧૫-૧૧,
૪. કુંડા નાંદી, ૫. કુંડા નાંદી ૧૫-૧૨, ૬. કુંડા નાંદી, ૭. કુંડા નાંદી
૮. કુંડા નાંદી ૧૫-૧૩, ૯. કુંડા નાંદી ૧૫-૧૪, ૧૦. કુંડા નાંદી,
૧૧. કુંડા નાંદી ૧૫-૧૫.

અને કુંડાના અંધારીયોની કુંડાના નાંદી આ લીજા પાંડાંદુલી  
ખાંડાંદુલી ઠે પરંતુ અન્ય ઘણા અંધારીયોની કુંડાની ખાંડાંદુલી નાંદી હતી

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નોંને પણ ચારુ રાખવામાં આવેલા હો.

(૩) અમો અરજદાસે નોકરીમણી હુદા ડરવાની હુદા હોકાની

જસ્તાદુર્દુરવાની આત્માની. અમો પાસેથી લેવામાં આવેલ રાખવાના

ના નાખાના અન્ધકારીઓનું અંગત ડાન ડરવાની ભાવનાના દ્વારાની

નેચીનું ખર્ચ ત્યા અન્ધકારીઓ પોતાનું અંગત ડાન હો રેલા

ડાનેદારી રાખવા નાખાના હોઈ અમોને નોકરીમણી હુદા હોય છે.

(૪) અમો ડાનેદારી નોકરીમણી હુદા ડરવાની નિર્ણય અમોને

જસ્તાદુર્દુરવાના હોઈ, રાખવાથી હ્યાર્દ કરાર અમોને નોકરી

મણી હુદા ડરી હોય નહી અને અમોને હુદા ડરવાની નિર્ણય

અનુભૂતાની છે.

(૫) અમોને નોકરીમણી હુદા ડરવાની નિર્ણય અરજાદી ૧૯૧૨

પ્રક્રિયા વાતો વાતાવરણ નિયમો મુજબ પરીપત્ર ત્યા તુચનાને એવી પ્રક્રિયાની

છે.

(૬) નોકરીમણી હુદા ડરવાની હુદા હુદાની એવાંસાની રિયાલિ

સાફ્ટનો છે.

(૭) અમો અરજદાસની નિમુક્ત ડાનેદારી પ્રક્રિયા રેવારા મેટ્રી ડ

પર્ફેંટરી એવાંસાની ધક્કોની, બિટ્ટુ ક નહી પર્ફેંટ અમો અરજાદી હોજમાદ

દાદી પ્રારંભ ર્યો-ર્યું ધક્કોની। ર્યોર્ચાર હતા નથી અમારી નિમુક્ત

અગેની જાથે પણ હોજમાર ક્યેરીના। આ ર્યોર્ચાને યદુ ગર્દાની છે તેથી અમારી

નોકરીની તડીમણી નામ હ્યો ડરવાનાં આવે છે.

(૮) અમારી નિમુક્ત એ.ડી.ઇ.ટી.ને કસ્ટો હોઈ તુનીયા કેન્શોનીયા

નોકરીમણી હુદા ડરવાની હોઈ હતા નથી તેથી ખા હુદા ડરવાની

હુદા હુદાની વાસનો છે.

(૯) અમોને હુદા ડરવાની હુદા લેવર ડાનેદારી શોભાગુણી પ્રક્રિયા

ની છે.

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અધ્યોત્તમ ડાયાંસર કો કુનાવલી ધેરાની જાણ ન હાજરી  
દર્શિયા ડાયાંસર આવે ન હયાં ડાયાંસર કાં ડાયાંસરો નો ની  
નાચી છુદા ડાયાંસી જાણ્ય ગેડાએટર, રાસાધાર્યીયા બને લીન  
અમલી કરાયી આપવા ડાયાંસી ખાલી કરેલી છે. તથા ૬૧૬ પાંચાંસી  
નું, જો ડાયાંસને નો રીતાંથી છુદા ડાયાંસી જાણ્ય ગેડાએટર,  
જાણ્યાંદ્યીય બને બી-અમલી કરાયી આ અસ્થાને પડ્યા રિવાના  
કાર કુદાની જેણ નો રીતાંથી છુદા થયા જ નાચી જે ગાનીને  
શિનીયોરીટી, પ્રોટોની, કાર કરે કરીનેના જ્યાંય કાંસો પડ્યો  
કુનાવાંસ ડે નેંબો પ્રેમ પ્રે ૧૯૧૩ને જ હો ઇન્દ્રાવના અદ્ય હૈ.  
ડાયાંસી ઓદ્યાંસ કુરુ ન હોવા જારી રહેણું કરવી પડ્યા હોય  
નાની ખર્ચ અપાવના પણ અરજ હૈ.

3. **বাস্তু কোথায় পাওয়া যাবে না কারণ এটা একটি অস্থায়ী প্রতিকূল ঘূর্ণনা।**

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સુલોલ ૩૧૫૬૧૨ સાયા ટેનેર નારોડ કુદા જુદા જુદા ઓર્ઝિનિયલના

જુદા જુદાની હતી તુંની વિભાગો ની યે પ્રયત્ન છે.

જી-૫.૮૨ વી. આર્ટ-૮૯ ૧૦૭ ટેલા કેટ્યેનાલોલો, ટેનેરો.

ઓર્ઝિનિયલ નાર્ટાને-૮૩ કુદી ટીમ રાખવાના આવેલ ન હોય.

ઓર્ઝિનિયલ-ન્યૂન્ય.૮૪ ૧૦૪ ટેનેર વેલ, વેનાલી, હોર્ન હોર્ન-ન્યૂન્ય.

ક્રિયાદી-ન્યૂન્ય. ડી.ડી.૮૪, ૨૮૧ ૧૬૭૫ વેલ, વેનાલી, હોર્ન હોર્ન, ૧૯૮૧૯  
જી-૫.૮૫૦૧ ૩૧-૧-૮૫ કુદી કુદી જુદા જુદા.

ક્રિ-ન્યૂન્ય કુદાન્ય-૮૫ કુદી ૧૪૮ ટેનેર વેલ, વેનાલી, હોર્ન વી.નેસ્ટાન.

ઓર્ઝિનિયલ ઓર્ઝિનિયલ ૩૧૮ ટોડી ન્યૂન્ય હતી હતી નાર્ટાના

વિના રાખવાના ન્યૂન્ય હતી. હોય.

ની. ૨૦-૧૦-૮૫૬૫ ઓર્ઝિનિયલ જીન્યુન્ય વી. વી.ને. નેન્ન કી. ૧૯૮

૮-૨૧ નેન્નના ૩૧૫ ૫૧૨ ૧૯૮૧૯ કુદાન્ય.

જી-૫.૮૫૨ કુદાન્ય વિભાગો જોતીનાર્થુન્ય પ્રક્રિયા કે, સુલોલ  
૩૧૫૬૧૨ જ-૧ જુદા જુદા ઓર્ઝિનિયલ ન્યૂન્ય જી જી જી

ન પ્રયત્ન કુદા જુદા આવે જેની વિભાગો ઓર્ઝિનિયલ નેન્ન કી. ૧૦૨

ઓર્ઝિનિયલ-ન્યૂન્ય ૩૧૫ ૫૪ થાનાદી સુલોલ ૩૧૫૬૧૨

જી.ની. ૫૦૪૯૨ નર્સાની ૮-૨ ટોડીના ઓર્ઝિનિયલ ન્યૂન્ય કે

નેન્નનાની ની ટોડી ની. ૩૧-૧-૮૮૬૧ નર્સાની જી.ની.ની., ઓર્ઝિનિયલ

જી કી. ૧૩૮ નેન્નની. ૨૧૨૩૧૨ નર્સાની નેન્ન નાર્ટાના નાર્ટાના નાર્ટાના નાર્ટાના

નેન્ન નેન્ન

૩૧૫ ૮૩૮ નેન્ન નેન્ન ૩૧૫૬૧૨ની ની. ૩૧-૧-૮૮૬૧૧ નેન્નની જુદા

ક્રિયાદી આવેલી નેન્ન નેન્ન નેન્ન નેન્ન નેન્ન નેન્ન નેન્ન નેન્ન નેન્ન

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નીચે નીચે નીચે નીચે નીચે નીચે નીચે નીચે નીચે નીચે નીચે નીચે

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યુદ્ધ આન કરે નથી કરે તાન તોડાને કથી બાબુના કાર્ય કરી, તે  
નું ગેરવાજુદી બને નેતરાયદીએ કાંપુદી કરી કરે તેથી મંદીરની તાંત્રિક  
યુદ્ધ પરીક્ષાની નોકરી જીવાયર્સ ત્વા પાર્ટ કેસ્સેસિંગ કરતા નથી,  
તેથી મંદીરની તાંત્રિક નોકરીને બાબુના કાર્યાલયની તરફાની તાંત્રિક  
યુદ્ધ પરીક્ષા કે અને તેથી ન કુદ્ધ કાંપી નીચે પડી કેસાંથી  
બોઝની કોઈ સંક્ષેપ નથી બને હંસટોલેન તાંત્રિક યુદ્ધ પાર પડી નાના  
નુદ્ધ તાંત્રિકની કુદ્ધ હંસટોલેન કુદ્ધ પાર નેતરાયદીએ એ નેતરાયદીએ  
નથી, નીચે પછી કેસાંથી બોઝની કાર્યાલયની તાંત્રિક નોકરીની કુદ્ધ  
યુદ્ધ લીધાયી મંદીરની તાંત્રિક પરીક્ષાની પારાર કરા લીનીયા રહ્યો,  
યોગ્ય કરી રાખી પ્રેરણા પાર્ટ કેસ્સેસિંગ કરતા નથી કે તેથી ના કેસાંથી  
એ કુદ્ધાં જોદ્યે,

૨. તાંત્રિકની મંદીરની તાંત્રિક નોકરીના કેસ્ટફોર્મેની નંબર  
સ્ટ્રેક્સ ટી, પાર્ટ-યુદ્ધ મંદીરની તાંત્રિક એ પુરુષ મંદીરની એ  
મીન્ડ્સેન્સ કુદ્ધાંની કાર્યાલય ટી, મંદીરની તાંત્રિક નોકરી એ  
યુદ્ધની કોઈની જીસાપણી ટી,

એ કોઈન થોડું, હાસ્ટાઇલ હંસટોલેન તાંત્રિક  
યુદ્ધ નંબરી નથી, એ ક્ષમ્પા લીનર્સ એડોર્ડ પરોલોનોની જ્ઞાન એ  
તાંત્રિક નંબરી નથી, નોટોન્સ હાઇસ એન્સાર્ટ એન્ડ યુદ્ધ તાંત્રિક  
નંબરી, તાંત્રિક પટાવણાની જેન્ટલાન્સેન્સ એન્ડ કાપતા નથી,  
યાદી નાખી પ્રેર શોલાર્સ પ્રદાન કરી, પારાર બોઝની એ  
યાસ્ટ્રીયા સાલેન હાઇસ પ્રદાન કરી, બને કેસ્ટ કેસ્ટના લીનીયા  
એ એ તાંત્રિક કુદ્ધી કરી રહી છે, બને પર્ટિકિલ કુદ્ધાં કુદ્ધી કરી રહી છે, એ  
તાંત્રિક સાલેન કુદ્ધાં એ-જો-નીયર બને પર્ટિકિલ કુદ્ધાં કુદ્ધી કરી રહી  
છે, ના પર્ટિકિલ બને યુદ્ધના કુદ્ધી એસ્ટ્રીયા, એ પ્રોના એન્ડ યુદ્ધ  
નોટોન્સ લીની, યુદ્ધના એ બને તાંત્રિક યાંત્રે કુદ્ધી એસ્ટ્રીયા એ,

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ડાલદીયા શાહેન જાણી પારે અનુકાણ નથો. પરંતુ વોના જીવિની  
મોકાની રાખવા મને છુટો કરેલો. હું નોરીમાં ૧૯૮૮માં ૬ લાખ  
ખર્ચી ન્યારે મારી જાણી બીજા ક્રેચુન ડાયનારો વિશે જોણું જાણો.  
એ ખર્ચી ન્યારા જી જ્યાસ લતા. બા અ ડાલદીયાની મારી જાણી  
કુટા કરેલા નથી. જ્યારે બા બધા નોરી કરે છે. પરાવણાની  
ક્રેચુનમાં કામ કરે છે નથી તેણોને જાણી કરેલા છે.  
દુસ્સાતિમાં મને રૂ. ૧૧-૩૦ પેંડા પ્રાપ્ત પણાર આપતા. હું એ જીવિની  
ન્યારે મને રૂ. ૧૪/- કે રૂ. ૧૦/- હોરી ડાયનાર કેવે પારિયાર પણાર  
આપતા હતા. મસ્ટર્સમાં એની લઘને મને પણાર આપતા હતા. એનીમાં  
બધા પ્રદાન કામ કર્યો હતો. ૧૯૮૮થી ૧૯૮૯માં ઇન્ફોનાની શુદ્ધ  
કરી. ૧૯૮૯થી એ શુદ્ધી જાતું બંગ નોરી કરેલી છે. મને હુટો  
જર્બી ન્યારે મારા પણી નોરીમાં બાબેલા બાબુ છે. લોના કામ  
બાબીન રૂંડ છે, બીજા જાઇ જોરીથ્યાએ જે ન્યારા હોલીએ જાડીએ  
તથા બીજા હાંડા છે. બા બધા મારી પગથી નોરીમાં ક્રેચુન  
વેલરર પટાવાણાની નોરીમાં બાબેલા છે. મને હુટો જર્બી ન્યારે કોઈ  
નોરીએ પણાર કે હંસ્યો કરતું જો હું ન હું. રૂટી રૂટી એ  
બેડાર હું બીજો જગાણે નોરી બીબેલા પાટે પ્રદાન કરો હો રહેયું  
એ પડયો નથી. હું મારા બા જાપુણી જાણી રહું હું.

અને હિંદુનાની જીવિની નોરી : જીવિની ડાયનાર જાણતું હો રહેલું  
હું જેખણું ડાયનાર કરી કે કામ કર્યો હતો. બે વાલ મરો નાની જ  
જીટથી જાણ પાટે કાયની જુદુર હોય નેકલો રૂપર પાટે નોરીએ  
રાખવાની બાબતા હતા. ને જરી હોઇન હો તે, રાન્ડરાન્ડ એવીએ  
બગર ડોઇ ક્રેચુન વેલરને ડાખાની જર્બી નથી. બે વાલ મરો નોરી  
જર્બીની નોરી ૨-૨૫ હુણી હું નોરી કર્યે ન હતો. ને બાલ મરો  
નથી કે, બા જાણ દર-વાન ડાયનો જુદુર નાંહોઇ એને હુટો કરેલું.  
ને વાલ મરો નથી કે, એપરોફન જાણ દર-વાન ડાયનો નોરી એને એને

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राजेत न हनो भेवी मे रक्षान उरी नधी. आ अंग लीणीत रक्षान  
उरी नधी. माँझीड रक्षान उरेवी ह.

ओग०ट ३१, १९८७ सुधी ३१५ उरेल छ. ओग०ट ८७ प०४४  
नवा यार लेवरर राज्या छोय त अमारी जास्तां नधी. तरतपालमा  
मे उ डामदारोना नाम ज्ञावेला हे अने तमनी शाखा तारीणनो पुरावो  
मारी पारी नधी. त अंग मन जात माँझीती नधी. अ वात भरी उ उ  
मन उज्युल डामदार तरीड ४ नोडरीमांधी उटा उरेला ह. मे नोडरी  
ना रम्य दरम्यान गीर्जार टोडीज बाजुनी ओटिसमां बार बौधरी  
डारुलुनी बाजुमां २५ बीहडीगमा डाम उरेल छ. मारी अंगल डो६  
आवड नधी, अमावा मारे हु प्रक्तन उडुं हुं परंतु नोडरी माली नधी.  
दोहे ले वर्षा उधी प्रक्तन उयो ह. बालमां प्रक्तन याउ ह.

५. अ०ट-१६ थी मनोक्षम्भ पोपत्ताल जीशीने जुलानी आपेली  
हे अने था साक्षीषे सोग०ट पुर्व ज्ञावेल हे उ, हु अ-यारे आ संस्था  
मां आवी. बै-जीनीयर, लीगत डोओहीनेशनला दोहा उपर डिलारी  
दरधी ३१५ उडुं हु. त पहेला मारो दोहो आक्षीट-ट बै-जीनीयर  
(डोहट्टे)नो हनो अने ज्युनीलो ट्वीहोन येडस्ये-ज्मां हनी. हु  
मारी जुलानी रेड्ड परथी आपुं हु. अंबधीत डामदार श्री प्रशीश  
ज्यक्तीताल ६४० उज्युल डामदार तरीड जनरल बेनेफर, प्रोडिला  
२१४डो२ ट्वीहोन येडस्ये-४ द०८ टोलेशन ३१५ माटे राज्यवामा आवेला  
हना. अंबधीत डामदार ओग०ट-८५६ जोडोबर-८९ना रम्य दरम्यान  
तमने उटा उयानी इरीयाद खातामा उरी न हनी. अंबधीत डामदारने  
इरोधी ओडोबर-८५६ उटा उयो हे अने ३१५ पुडु धवायी उटा उयो ह,  
पछी येड मलीना माटे वधाराना ३१५ माटे नोडरी माटे असावेल उर्मु  
परंतु तेबो जीषे संती दशावेली न हनी. उयार योइर उरी हनी ते

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राजेल न हो जेवी वे राज्यात उरी नहीं. आ जो लीपीत राज्यात उरी नहीं. पौरीत राज्यात उरेती है.

पौरी जीगड़ ३१, १९८७ तुम्ही डाम उरेते हैं. जीगड़ २७ पूर्व  
नवा यार लिवरर राज्या दोषत अमारी जास्तां नधी. जस्तपांगमा  
मेरे डामदारोना नाम ज्ञावला हे अनेकमनी उपर नारोग्यांने पुरावो  
माझी पावे नधी. ते खंग अने ज्ञान प्राप्तिनी नधी. वे बाल अरी ८३.  
अने उज्युल डामदार तरीके ४ नोडरोग्यांची उटा उरेतां. मेरी डरी  
नाम ज्ञाव दरमेन गीर्यार दोगीज शाजुनी ओडिसां चागर वाम्हरी  
दारकुलनी बाजुरां ते बीडीग्यां डाम उरेते हैं. मारी अंग डो८  
आवड नधी, अवावा पां ५ प्रकान डुँडुँ परंतु नोडरी अपलो नहीं.  
होडे ले वर्षा सुधी डान्न ल्यो हैं. दात्यां प्रकान कालु हैं.

प. अ०३-१८ वी लोक्युद्ध दोषत्वात जोशीने जुबानी आपाती  
हे अने आ जाकोषी जीगड़ पूर्व ज्ञावला है ८३. हुं कावा हे खां ज्ञेया  
मां आदी. ने-जीनीवर, जीगड़ डोडोडीनिशनना गोदा उपर उत्तमां  
हरधी डाम डुँडुँ. ते वडों मारी गोदा जागोड़-टे के-जीनीवर  
(डो८ट्टे) ने हो अने ज्ञावीलो छेत्रीजी शेत्रीजमा होती. हुं  
मारी जुबानी रेडी ल्यो आपु तु. अंगीन डामदार वी प्रविश.  
ज्ञेयीत्वात वर्षा उज्युल डामदार तरीके जनरल नेशन, प्रोडक्शन  
२०८८०८ छेत्रीजी गेटवे०८ दृष्टीविशन डाम माटे राज्यामा आवेदा  
हला. रेलधीन डामदार जीगड़-प्रदी जोडीज्वर-टेना८ ज्ञेय दरमेन  
समने उटा उयांनी इतियाद खालामा८ उरी न देती. लंगीन डामदारने  
तरीधी खोडीज्वर-टेना८ डाम मर लीक्षिता हला. लंगीन डामदारने८  
जीगड़-१९८८८ उटा उयां छे अने डाम पुँड व्याधी उटा उयां है,  
पको वेड खोनी। पाटे व्यारांना डाम माटे नहोरी. पाटे ज्ञावते वर्षा  
परंतु नेवो जीवी खंपती द्यावेतीन हला. उयां ओडे उरी हला ने

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ચોડકાંડી ડાંડની નથી. પરંતુ બાસરે સ્પટેલર-ટ્રેમાં એડ  
મફીનાના ડામની ઇરીયાદ ડરી હતી. બીજા ચાર ડામદારોને  
રાખ્યા હતા. તેઓને એડ એડ મફીનાનું એકસ્ટેન્શન આપત્તા હુલે  
પાંચ મફીનાં એકસ્ટેન્શન આપેલ હૈ. તે પણી બાડીના ડામદારોને  
હુટા ડર્વાંછીને પછી ડોંડ ડેક્સ્ટ્રુ ડામદારને ઇન્સ્ટોલેશન ડામ માટે  
રાજેલા નથી.

બેલટ નપાંખાં સાથીને જ્ઞાનેલ છે કે, સોનપાત ડર્વાંછીને  
દું ઓળખતો નથી. ક્રીલટ અને બો વ્યાસને પણ ઓળખતો નથી.  
શ્રી બાળરોયા જેઓ ચાસીસ્ટ્રેન્ટ એન્જીનીયર છે તેઓને હું ઓળખું  
છું. સંબંધીન ડામદાર કી પ્રશ્ને છે. કાંને લીલ વિશ્વાગમાં પટાવાના  
તરીકે રાખ્યાનો મને જ્યાલ નથી. ડેક્સ્ટ્રુ લોબના મસ્ટર રોલ મસ્ટર  
અલાસ કું ઓફીસર સહી ઉરે છે અને બોડીસર ડામે રાખે હૈ. સંબંધીન  
ડામદારોની પ્રશ્નાં હજાને ડયા અધિકારીએ અને ડયા વર્ષામાં  
શુદ્ધાત્મકાં ડામે રાખેલા હતા તે વિશ્વે ચોડકાંડી ડાંડની નથી.

સંબંધીન ડામદારને સ્પટેલર-ટ્રેમાં એડ મફીના માટે ડામની બોડી  
માં જાતે ડરી ન હતી પરંતુ મસ્ટર ઇસ્ટ્રુલિંગ ઓફિસરે ડરેલી હતી.

અત્યે, રીતે સંબંધીન ડામદારને ડામની બોડી ડરી હતી. તે બોડી

ઇડલ એડ મફીના માટે ૪ હતી. બોગ્ઝ-ટ્રેમ્સાં કી બાળરોયા

સાંભળે સંબંધીન ડામદારને હુટા ડર્વાંછી હતા કે ડ્રેમ ને વિશે મને ચોડકાં

પ્યારું નથી. બોગ્ઝ-ટ્રેમ્સાં ૫ટી, ડેક્સ્ટ્રુ લોબરને રાખેલા નથી કે હું

રેક્ડ પરથી ડાંડું હું. ડેક્સ્ટ્રુ લોબરનો બોગ્ઝ-ટ્રેમ્સાં ૫ટી રાખેલા હતા।

તેનો મને જ્યાલ નથી. રેક્ડ જોઈને ડાંડી હું. ડેક્સ્ટ્રુ લોબરને

ડામની વીપણી મસ્ટર રોલ ઇસ્ટ્રુલિંગ બોકીડર ડરે હૈ.

શ્રી હડી ડેક્સ્ટ્રુ ડામદાર તરીકું શું ડામ ડરના હતા તે વિશે

મને ડોઇ જાત્માં હતી નથી. આંડ-૧૦/૩૬૦ રજુ ડરેલ પણ હુદ્દો.

શોધા ૫ટી ડાંડું છું કે ને હુડ્દોમાં ઇન્સ્ટોલેશન ડામ માટે રાખવામાં

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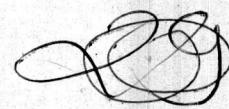
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સાખવામાં આવે છોતેવું સ્પેચ લખેલ નથી। એવે કંઈ છું કે અપર  
ઇન્સ્ટોલેશનની વાત ડરી ને ટેલીફોન બેડલેન્જના ઇસ્ટિન્સીશન  
બટ્ટે કે મશીનરીના ઇન્સ્ટોલેશનના ડામની વાત ડરેલી છે.

જીઓમ્પો પ્રોફેલનું ઇન્સ્ટોલેશન ડામ બોગાર-દરે પણ  
દ્વારા છું ધ્યાન છુંનો કોડનું જ્યાત નથી. કુલડાયાં બોગાર  
દરે પછેલાં ડ્યારથો જીઓમ્પો પ્રોફેલનું ડામ છું ધ્યાન છું એનો ડ્યારે  
પું ધ્યાન છું નમો પણ કોડનું જ્યાત નથી. બોગાર-દરે માં કી  
હાને હુટા ડ્યાર-ટ્યારે એડ મલીનાની નોટિસ આપી હતી. જેવી  
નોટિસ કોઈના રેકૉર્ડમાં રજુ ડરી નથી તે એડિકલ છે. ડોફ કોડારી  
વાતર યુડલવામાં આવેલ નથી.

૬. સંબંધીત ડામદાર તરફે વડોદરા શ્રી. ક. રાહોળની સંબંધથા  
છે અને પ્રથમ પકડાડાર ટેલીફોન બેડલેન્જ તરફે વડોદરા કો સાર્વત્રિક હોશીને  
સંબંધથા છે.

૭. શ્રી રાઠોડ મારી સમાન રજુયાત ડરી છે કે, સંબંધીત ડામદાર  
શ્રી પ્રણીશ હાને આડ-૧૦૧ થી રજુ ઉરેલ પદ્ધથી નિપણું ડરવામાં  
આવેલો હતી. માડ-૧૦૧થી રજુ ઉરેલ પદ્ધ સંબંધીત ડામદારને કશ્યપ  
લેલરર તરીકે રોજના પગાર અપર એડ મલીના માટે મસ્ટર રોલ પર  
રાખવાના હતા. આડ-૧૦૧ થી જુ ડરવામાં આવેલા પણ પ્રમાણે  
તે પણ તા.૩૧-૭-૮૫ ની છે અને તે પ્રમાણે તા.૩૧-૮-૮૫થી હુટા  
ડરવામાં આવશે તેવું જ્ઞાનવેલ છે અને હુટા ડરસા પછેલાં એડ મલીનાની  
નોટિસ આપવામાં આવે છે તેવું લખેલ છે. શ્રી રાઠોડ ભાર્યાર્ડ રજુયાત  
ડરી છે કે, સંબંધીત ડામદારે કા-યુઆરી-૮૨ થી તા.૩૧-૮-૮૭  
સુધી ઇર્ઝો લજાપેલી છે અને વર્ષથી વર્ષે સંબંધીત ડામદારને રાસી છોઇને  
ડામ બાપવામાં આવેનું હતું. સંબંધીત ડામદારે તા.૩૧-૮-૮૪થી  
તા.૩૧-૮-૮૭ હુટીના સમયમાં રજુ ઉદ્વસ્ત ઉરતાં વધુ સમય માટે ડામ



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इस्त्रि ने अन्न तथी संबंधीत डामदार लेडारी वगतर आने वाले पर्याप्त पर्याप्त विवाद धारो, १९४७ की शोगवाहियो प्रमाणे नोटिस पर्याप्त अन्नलेडारी वगतर विवाद माटे डामदार लेडार उपर्याप्त अन्नलेडारी वगतर विवाद इस्त्रि वधु इवाने माटे डाम इस्त्रि शोगवाहियो नोटिस पर्याप्त अन्न लेडारी वगतर विवाद अन्न लेडारी वगतर आपनु इरजीयान आने छ, परंतु संबंधीत डामदारने लेडारी वगतर आने नोटिस पर्याप्त आपवाही आवेदो नहीं, प्रथम पर्याप्त ट्रैवीटोन थोड़से न्यूलरडे अ०५-१५ ली ४ अधिडारीने जपासिंह छ ते अधिडारीने डोहि जातमाहिती नहीं, संबंधीत डामदारने शोगम प्रोजेक्ट माटे ४ डामे लीसिला छोड़ देनु आवेदी इसी बाबत नहीं, डामे ५१८ बाबत गार यांवाहीते तसा बनामा आवेदा नहीं, शोगम प्रोजेक्टकु डाम १९८७ मिलियों डाम रथी शुद्ध धयेल छनु अने ते डाम डामे पुरु धयेल नेही जातमाहिती संबंधीत सामाने नहीं, नोटिस आपयानो डोहि पुरावो रक्षु उरेलो नहीं.

१ श्री राडोड पोलानी रुद्रानन्द रामर्कन्दम वै-क्ल चैडमीनीरटेटीव ट्रैक्युलर खो. अरजी नं. १८८/८८८ आपेलो युडांदो टांडलो छ, ते युडांदा प्रमाणे देनु अवलोडन इस्त्रामां आवेद छे ई शोधो गिड विवाद धारानी शोगवाहियो प्रमाणे नोटिस अन्न पर्याप्त अन्न लेडारी वगतर आपवाही आपनु लोय नो डामदार नोडरीमां बालु छता जवु गल्लीने डामदारने छुटा डामे ते तारीणधी, डामदारने इरोधी डामे राजे ते अम्बु दुधीनो पुरेपुरो पर्याप्त अन्न लीजा भावा पाठ लालो आपवानो छुडम धर शक्छ छ, श्री राडोड रुद्रानन्द उरी छे ई, खो रेफर-स मंडुर राणीने लंधीत डामदारने छुटा डामे यारधी लंधीत डामदारने इरोधी डामे राजे त्यां दुधीनो पुरेपुरो पर्याप्त तम्भ लीजा लालो आपवानो छुडम इस्त्रा विन्ती छे.

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6. वी शोशीबे रक्षानाल डरी नं 5, हन्सटीलेन 514 शोडडरा  
प्रकाशनु ४ डाय ०. असे डोहे योडां ५१५ माटे डो-टाइटी  
५१५६१रने ५१५ राख्या तो यत्यारे डो-टाइटीनो अम्ब फुरो धरी

७. उत्ता उत्तवामां आवेत्यारे नेवा अशीयोमां ५१५६१नी शीगवाह्या  
प्रमाणे जेडांकी वार्तर बने नोटिव पार आपवानी डोहे जोगवाई  
नदी शोगा८-८८८८ पांडे उत्तुत ५१५६१रने राखिए नदी जेनी

संबंधीन ५१५६१रने अलर नदी, संबंधीन ५१५६१रने उत्तुत ५१५६१२  
तरोड उत्ता उत्तेवा छ. पडलो डोडलो तरेधी ये सालीत धाय छ

८. अगुड ५१५६१ ताम माटे क तंत्रित ५१५६१रने राखिए तता  
अने ते ५१५ पुढु धाय ज्वाली नेने उत्ता उत्तेवा छ तेथी ताम रप-गोड  
नो लंग धती नदी, तेथोने पसीनारीना हन्सटीलेन ५१५ माटे

राखिए तता अने ते ५१५ पुढु धाय ज्वाली उत्ता उत्तेवा छ, ५१५ राख्या  
येनी डो-टाइटीमोडी पांडे नोहे शक छ. उत्तुत ५१५६१रने  
नोक्कीन ५१५६१२ गेली शकाना नदी, संबंधीन ५१५६१२ ओडोलर-  
टेक्को शोगा८-८८८८ नुधी ५१५ उत्तेवा छ, ते शोगा८ शोगा८-८८८८ पां  
तेथो ५१५ ठोडीने याह्या गेला तता, वी शोशीबे रक्षानाल डरी

९. संबंधीन ५१५६१२ ने डोहे अ-धाय उत्तवामां आवेत्तो नदी  
गने संबंधीन ५१५६१२ तेमने गेडायदिवर रीते नोडरीमाणी उत्ता उत्तो  
तता तेलु लालीत डरो ताक्या नदी अने तेथी खा रेहन्स २६ उत्तेवा

जोह्ये, बांड-१०/१० उत्ता उत्तवामां आवेत्त पर्वमां संबंधीन ५१५६१२  
ने ले मळीना माटे राख्यामां आव्या तता, अने ते डाग्गा नारीमां  
११-१-८५ नो छ, ते पांडे संबंधीन ५१५६१२ नीसानी १०/३/४ धी

१२ उत्तेवा याईटीक्टाप्रमाणे ता. २०-१०-८५ नी ता. २०-१-८५ तुक्की

१३ उत्तेवा माटे ५१५ उत्तेवा छ अने ते ५१५ डी टेक्का २१४३०८८ नी ओ फिल  
पां ५१५ उत्तेवा छ, ते पांडे संबंधीन ५१५६१२ ता. १-३-८७ धी ता.

१४-६-६९ तुक्की १७० उत्तेवा माटे आरी८-८८८८ डीवीजन्स बैन्जीनीयर,

ડી. ટેકા, રાજ્યોટ્ટી ઓફિસર્સ ડામ ડરેલ છે. પ્રથમ પદાડારી બાંડ-ચ્યાન્સુલ રજુ ડરેલ જવાબ પ્રમાણે સંબંધીન ડામદારને મેટિન-ટેન-સ ડામ પાટ ઓફર ડરવામાં આવેલ અને સંબંધીન ડામદારી ને ડામ પાટ સ્પાની આપી ન હતી તેવું સાબીન ડરવા પાટ ડોઇ સાંસ્કૃતિક તપાંસેલા નથી. બાંડ-૧૦/૩, (૪) એન્ને (૫) થી રજુ ડરેલ સંબંધીન ડામદારી ના. ૨૦-૧૦-૮૬થી ના. ૩૧-૮-૮૭ રુધી સર્વા રીતે ૨૪૦ દિવસ ડરતાં વધુ સમય પાટ ડામ ડરેલ હોવાથી ડાયદાની શોગવાએથો પ્રમાણે અન ખાસ ડરોને ડાયદાની ડલમ રૂપ-બી અને બેફ પ્રમાણે નોટિસ પગાર અને બેડારી વળનર આપવું ફરજીયાન છે. સંબંધીન ડામદારને છુટા ડરા પહેલાં નોટિસ આપી હોય તેવું સાબીન ડરવામાં આવેલ નથી. બેડારી વળનર આપવું હતું તેવું પણ સાબીન ડરવામાં આવેલ નથી. સંબંધીન ડામદારને ટ્લોઝોન ચેડલેન્જના ડામ પાટ વળતોનાની ડામ રાખવામાં આવેલ હતી તેવી રજુભાન ડાયદાસરની નથી અને તેવી રજુભાન સાથી હું સ્પેન ધતો નથી. શ્રી. રાઠોડ રજુ ડરેલ ચુડાદા પ્રમાણે જ્યારે ડામદાર ૨૪૦ દિવસ ડરા વધુ સમય પાટ ડામ ડરેલ હોય નો નેવા સંજોગોમાં સંબંધીન ડામદારને છુટા ડરા પહેલાં નોટિસ પગાર અને બેડારી વળનર આપવું ફરજીયાન છે. બાંડ-૧૬થી શાંસ્કૃતિક જુલાની આપેલી છે તે સાંસ્કૃતિક જાતમાં હિતી નથી. પ્રથમ પદાડારી સ્પૂલાંડ ડાલરીથા સાડેબને નપાંસેલા નથી. સંબંધીન સાંસ્કૃતિક ડામની બોઝેર સંબંધીન ડામદારને ડરી ન હતી. મસ્ટર્સ ૮-સ્પુલાંડ ઓફિસરને નપાંસેલા નથી. ઉપરાના અવલોકનો અન્વયે હું બેવા નિર્ણય પર આવું હું કે, થા રેફર-સ ડાયદાસર રીતે ટડી શકે તેમ છે અને થા રેફર-સ મર્યાદ રાખવા

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11/94/1

જોઇયે અને સંબંધીન ડામદારને છુટા ડરવામાં આવ્યા તે વાતો  
નો ટિક્સ પેચાર અને લેડારી વળતર આપવામાં જાવેલ ન હતા તેવી  
સંબંધીન ડામદાર નોડરીમાં ચાહુ છે તેવું ગલીને સંબંધીન ડામદારને  
છુટા ડયા તે તારીખથી ફરીથી ડામે રાખવામાં આવે ત્યાં સુધીના 20<sup>માંથી</sup>  
પુરુષ પગાર તેમજ બીજા લાભો આપવાનો હુકમ ડરવો જોઇયે.

૬. ઉપરના અવલોકનો અનુબ્ધી હું નીચે પ્રમાણે હુકમ કરું હું.

-: હુકમ :-

૧૦. આ રેફરન્સ મંજુર રાખવામાં આવતો હોવાથી સંબંધીન  
ડામદાર શ્રી પ્રણેશ હાનિ નોડરીમાંથી છુટા ડયા તે તારીખથી  
નોડરીમાં ફરીથી રાખવામાં આવે ત્યાં સુધીના પાઠણના સમયના  
પુરુષો પગાર આપવાનો હુકમ કરું હું. અને આ રેફરન્સ મંજુર રાખવામાં  
આવતો હોવાથી સંબંધીન ડામદારને આ રેફરન્સના પર્ય પટે રૂ. 200/-  
આપવાનો હુકમ કરું હું. આ એવોઈ ભારત સરકારનીં એમ મંજૂસત્ય  
પ્રસિદ્ધ ડરે ન તારીખથી ચેડ મહીનાનો અદર અમલમાં આવવાનો છે.

રૂ. 200/- એ. એ. પુરુષ

ડરન્દ્ય બોધોગડ નાયાયાધીય.

સંદર્ભ.

અમદાવાદ.

તા. ૮-૧૧-૧૯૯૨.

TRUE COPY

For, Registrar  
High Court, Gujarat  
Ahmedabad

Affidavit  
30/4/13  
દાખા. અમિતલા (દિચિ)  
ASSTT. ENGINEER (LEGAL)  
મ. પ્ર. દૂ. જિ. રા. કાર્ય. રાજ.  
O/o. G. M. T. D. RJ.

True Translation -

Annexure "A3"

35

BEFORE SHRI A.B. PATEL, CENTRAL INDUSTRIAL TRIBUNAL  
AHMEDABAD...

REFERENCE (ITC) NO.27/89

Digital Telephone Exchange, Rajkot - First Party

AND BETWEEN

its Workmen,

Shri Praghesh Jayantilal Harsha,

c/o M. C. Pandey,

5, Raghuvirdhara, Rudra Prasad,

RAJKOT

.....

2 IIInd Party

Advocate Shri Bhargav Joshi for the First Party -

Advocate Shri G.K.Rathod for the second party-

-- J U D G M E N T :-

1.. Present Reference was forwarded to the Tribunal at Place Ahmedabad under Section 10(1) of the Industrial Disputes Act by the Government of India in the Labour Department, New Delhi, vide its Order of dated 20/3/89 under Number L-40012/15/88-D2(B) for adjudication of Industrial disputes between the parties, which Reference has been entrusted to this Tribunal for taking decision.

2.. Second party has submitted statement of Claims vide Exhibit 2.

The following facts have been shown in

Exhibit 2.

We, the second party, were performing duties with diligence & sincerity as Casual Labourers in 1982 under the control of the first party. Lastly, we were being paid monthly wage at Rs. 17/- per day. We, the second party, having been given artificial breaks twice since 1982 during the services, our services were taken. During this,

.....  
Judgment of Hon'ble Supreme Court having been declared/received, order was passed making casual labourers like us, 'the second party, as permanent. In reference to which, circular by the Government was issued for fixing seniority list of employees like us, labourers, liable to be made permanent. Notwithstanding this fact, Junior Engineer under the control of the First Party in this Case, has relieved us from the services on the day dated 31/8/87 on such reason that our services are not required, which decision and order are illegal, unconstitutional & non-enforceable.

True Translation - contd

[3]

on the following grounds/reasons :

(1) .. Decision of relieving us, the workmen, has been made with only one malafide intention of **titli** victimising us because workmen appointed in the services alongside us and after us were allowed to continue, whereas we have been relieved arbitrarily. Officers under the control of the first party, with the malafide intention of taking unjust gains from our, second party, conditions, personal household work was being entrusted to us/ used to be entrusted to us. Having told that such personal work not to be carried out in Government salary, with the malafide intention of taking revenge against us, we have been relieved from the services.

(2) .. At that time when we, the applicant, were continuing in the services, employees junior to us then had been allowed to continue. Therefore, order of removing us is equivalent to breach of Articles 14 & 16 of the Constitution of India.

[4]

Employees junior to us who were on duty at the relevant time, their names are as under :-

1. Shri Bharat Bhatt, 2. Shri Piyush Raval,
3. Shri Pravin Chavda, 4. Shri Sing,
5. Shri Ashwin Tank, 6. Shri Mukesh Sharma,
7. Shri Kirit Jhala, 8. Shri Kishore Daledia,
9. Shri Kirit Vakheria, 10. Shri Gadhvi,
11. Shri Rangparia D.J.

Employees as per above whose names are known to us, the second party but there are other many employees that those who were new/junior to us, they, too, had been allowed to continue.

(3) .. Order, in fact, of removing us, the applicants, from the services is equivalent to dismissal.

Having shown unwillingness of doing personal work of the Officers

household work under the control of the

opponent that was taken from us, therefore,

since such officers who wanted to appoint

such workmen who may carry on their personal

household work at Government cost/expense,

we are removed from the services.

## True Translation contd -

[5]

(4).. Decision of removing us, the workmen, from the services being identical/equivalent to our dismissal, we cannot be relieved/removed from the services without making enquiry, and decision of removing us is equivalent to punishment.

(5).. Decision of removing us from the services is in contravention of the Circular and instructions as per the Rules issued by the Government from time to time.

(6).. Order of removing from the services is against the principles of natural justice.

(7).. Our, applicants<sup>1</sup> appointment is made under legal process that means by selection. Not only that but we, the applicants, were the candidates sponsored through the employment exchange office. Therefore, intimation about our appointment is also made to the Employment Exchange Officer, so that, our names have been deleted from the employment opportunities.

[6]

(8).. Since our appointment having been made by A. D. E. T., Junior Engineer does not have any power to remove them from the services. Therefore too, order is without jurisdiction.

(10).. Order removing us is against the provisions of Labour Laws.

Due to above reasons and other reasons which may be raised at the time of hearing, and due to all those reasons, present application is filed for holding decision of removing us, the workmen, as illegal, unconstitutional and unenforceable. Therefore, it is prayed that the workmen by holding decision of removing us from the services as illegal, unconstitutional and unenforceable, it is prayed to order first party directing the first party to reinstate us, the workmen, in the services along with all the benefits of seniority, promotion, wage etc. considering as if we have not at all been relieved from the services (with back wages). Despite there being no fault of workmen, Reference had to be filed, hence, it is also prayed to allow its costs, as well.

True Translation contd -

[7]

3.. First Party institution has produced statement in reply vide Exhibit 4. Facts as per the following have been shown in this statement in reply:

Submission of any evidence/proof in order to establish that workmen had worked with the first party management is not made. Hence, Reference is not legally sustainable. Parawise reply in the matter of Statement of Claims is as under :-

Workman had not been given appointment as casual labourer from 1982. Any appointment letter from the Divisional Engineer, Phones D Tax Rajkot had not been given to the workman. Another Organization (appointment of workmen) that means GMG Installation Party Bombay had given appointment letter to the workman for the installation work and workman had been given appointment as temporary workmen as casual workmen on the salary as daily wage earner workman for the installation work of D TAX machinery. Thereafter, workman had gone away leaving the services without giving any sort of

information. Concerned workman had performed duty as casual labourer in various Organisations details of which are as under :-

January '82 to July '82 107 Days AEMIS, Rajkot.

August '82 to Septr. '83 had not been engaged in work.

October '83 to Janu. '84 104 days AENEC  
Cross Bar Installation.

February '84 to Dec., '84 281 Days AENEC  
Cross Bar, Rajkot.

January '85 to 31/1/85 There is a break.

February '85 to July '85 148 days AENEC  
TAX Building.

August '85 to October '86 Had gone away leaving work and had gone away without giving information.

Dated 20/10/86 to August 87 - At Rajkot place for installation work of D TAX under GMP Bombay.

Looking to the facts as above, it is found that concerned workman had worked with 3-4 different organisations and according to that he had breaks in the middle in the services on different periods.

True Translation contd -

[9]

Since the work of installation having come to an end, one month's notice had been served upon the concerned workman by G. M. Project Installation Organisation vide letter of dated 31/7/87 from G. M. P., Bombay J D Tax M. R. Rajkot, and in this Notice it was informed that all the casual workmen working with the Installation party shall be relieved from dated 31/8/87 and, hence, its this Notice is given. Concerned workman has not worked in the Office of the undersigned Officer as also the undersigned Officer has not dismissed concerned workman. Concerned workman had been appointed given by G. M. Project Installation Division for installation work which work was of temporary nature, and that work having been completed, all the casual workmen had been relieved/removed giving one month's notice to them. Concerned workman has not been victimised as also has not been relieved/removed with malafide intention. Concerned workman has not been removed from the day dated 31/5/87 by the undersigned Officer. But the concerned workman is relieved by GMP Bombay which is installation authority and which is absolutely separate establishment and,

[10]

therefore, concerned workman who was working in the Installation Unit, that workman does not have any relation with the Telephone District Manager, Rajkot. D TAX Exchange was taken over by this Office after dt. 31/3/87 and there was requirement of casual labourers for its maintenance and the applicant was asked to work for the maintenance work of Telephone Exchange but the concerned workman did not accept that proposal and the concerned workman had gone away leaving the work by himself/of his own. Therefore, other casual workmen who were willing to carry on maintenance work of the exchange, they had been retained/engaged as casual workmen and all of them were appointed from dated 1/9/87.

This Office has not retrenched concerned workman or have not removed as such. That fact is not true that any Officer of this Office had asked concerned workman to carry on personal household work, when concerned workman had been working with the Installation Party. Concerned workmen had not bee called for work from Employment Office. Concerned workman has produced certified copy of the

True Translation contd -

| 11 |

service, from which it is found that concerned workman has not worked from August 1985 to October, 1986 and he had gone away leaving work which was absolutely improper and illegal behaviour/conduct and, therefore, the concerned workmen does not become entitled to take previous ~~service~~ service prior to 1985 into calculation. Hence, the concerned workmen has been retrenched by Installation Organization and, therefore, office of the undersigned does not have any relation with that act and action of relieving/removing such casual workmen after the completion of Installation work is also neither illegal nor unconstitutional. Since the organisation of the undersigned being different of Installation lead, concerned workman is not entitled to (backwages) to receive backwages and seniority, promotion etc., and, therefore, this Reference should be rejected.

4.. Concerned workmen has produced certified copies of the Services vide Exhibit 10.. Concerned workmen Shri Pragnesh Jayentilal Harsha has testified/ deposed on oath vide Exhibit 13. Concerned workman has stated facts as per the following on oath :

| 12 |

I was working in Installation Division at Telephone Office in Rajkot. I was working on the post of peon as a Casual worker/labourer. When I entered in the services, any order was not given. Work was being given in absence of the permanent post of peon. My attendance was marked in muster roll. My Officer Shri Charaniya Saheb was marking presence. I was finally removed on the day dated 31st August 1987 and was removed on oral order. Junior Engineer Shri Kabariya Saheb removed me by oral order. Prior to this, I was removed in 1985. I was taken back in the services after six months. In 1985 too, Kabariya Saheb had removed me. I did not have quarrel with Kabariya Saheb. But I was removed in order to appoint his personal men. When I entered in the services in 1982, there were other casual workmen Sonpalbhai, Shri Bhatti, and Shri Vyas. These three employees have not been removed along with me. At present, all these are serving. They are working in the category of peon and they are made permanent. In the beginning, I was being

True Translation contd -

| 13 |

paid wage at the rate of Rs.11/60 Paise. When wage of removed, I was being given daily Rs.14/- or Rs.17/- per month. I was being paid salary taking my signature in muster. I was working on all days in a month. There were six monthly break from 1982 to 1985. I have continuously served from 1985 to 1987. When I was removed, persons having joined in the services after me are allowed to continue. Their names are Ashwin Tank another Bhai is Kiritbhai and Dilip Jadeja and many others. All these have come in the services of casual labourers/peons after me. When I was removed, that time I was not given either any notice pay or retrenchment compensation. After having been removed, I am unemployed. I have made efforts to seek employment elsewhere, but have not met with success. I am staying with my parents.

Cross-examination on oath : concerned workman has stated that I was working as casual workman. That fact is not true that for whatever period work was required to be done, had been engaged in the services for that much period. That fact is true that any casual labourer is not made permanent without taking interview. That fact

| 14 |

is true that I was not in the services from July 1985 to August 1986. That fact is not true that since there being no need of work during this period, I was removed. That fact is not true that there was work during the above period and that I have not made such submission that I was not engaged on work.

Have not made written submission in this regard. Have made oral submission.

I have worked ~~not~~ upto 31st August 1987. It is not in my knowledge that new four labourers might have been engaged after August 1987.

In the examination-in-chief, I have mentioned names of three workmen & I do not have evidence of date of their entry with me. I do not have personal information in that connection. That fact is ~~not~~ true that I have been removed from the services as casual workman only. During the period of my services, I have worked in TAX building in the office by the side of Girnar Talkies nearby Amar Chaudhari Highschool.

I do not have any personal income. I am making efforts to earn but not getting service. I have made efforts for one and half years to two years and efforts continue in the present.

True Translation contd -

[ 15 ]

5.. Prabodhchandra Popatlal Joshi has given deposition vide Exhibit 16 and this witness has stated on oath that at present I am working on the designation of Assistant Engineer, Legal Co-ordination in this Organisation since February 1992. Prior to that, my designation was of Assistant Enginer (Faults) and that I was in Jubilee Telephone Exchange. I am giving my deposition from the record.

Concerned workmen Shri Pragnesh Jayantilal as casual workmen Harsha had been engaged by General Manager, of Rajkot Telephone Exchange Project for installation work. Concerned workmen did not make complaint in the Department about removing him during the period August 1985 to October 1986.

Concerned workman was taken on work again from October 1986. Concerned workman is removed from August 1987 and is relieved because work having been completed. Thereafter, he was asked for the services for additional work for one month. But he did not show consent. He cannot say specifically as to when offer was made. But, complaint was made for work of one month in September 1987. Other four workmen were

SD

| 16 |

Giving extention each month to them, five months' extention is given. Thereafter, remainder workmen are removed after which any casual workman is not engaged for the installation work.

Witness has stated in the cross-examination that I do not know employee Sonpal. I also do not know Shri Bhatt and Shri Vyas.

Shri Babariya who is Assistant Engineer whom I know. I do not have knowledge/idea about concerned workman Shri Pragnesh J. Harsha having been engaged as peon in Bill Department.

Class II Officer is appending signature on muster roll of Casual Labourers and Officer engages on work. I cannot specifically say as to who was the Officer and in which year Shri Pragnesh Harsha, concerned workmen, was engaged in the beginning. I had not made offer personally of work for one month in September 1987 to the concerned workman but was made by the Muster Issuing Officer.

Offer of work was made to the concerned workman in writing. That offer was only for one month only. I do not have specific

| 17 |

True Translation contd -

[17]

idea as to whether Shri Kabariya Saheb had removed concerned workmen or not in August 1985.

Casual labourers are not engaged after August 1987 which I say from the record. I have no knowledge about casual labourers were engaged after August 1987. Can say seeing the record.

Entrusting of work to the casual labourers is done by Muster Roll Issuing Officer.

I do not have any personal information in the matter as to what work was being carried out by Shri Harsha as a casual labourer/workmen.

After seeing five orders produced vide Exh.10/3, I say that it is not clearly written so in those orders that has been engaged for installation work. Now, I say that fact of installation which I made as above, that is the fact I made of Installation of Telephone Exchange that is work of installation of machinery.

I do not have specific knowledge as to when the work of Installation of GMP Project had started after August 1987. I also do not know specifically as to from when the work of GMP Project had started prior to August 1987 in the

past and when the same came to an end.

When Harsha was removed in August 1987,

he was given one month's notice. That is

fact that such notice is not produced in

the record of the Court. Any unemployment

compensation has not been paid.

6.. I have heard Advocate Shri G.K.Rathod for the concerned workman and have also heard Advocate Shri Bhargav Joshi for the first party Telephone Exchange.

7.. Shri Rathod has made submission before me that concerned workman Shri Pragnesh Harsha was given appointment vide letter produced at Exhibit 10/1. As per the letter produced at Exhibit 10/1, concerned workman was to be engaged on muster roll for one month on daily wages as Casual labourer. According to the letter produced at Exhibit 10/2, that letter is of dated 31/7/85 and according to that it is mentioned as such that shall be removed from dated 31/8/85 and it is so written that prior to removing, one month's notice is being served. Shri Rathod has emphatically stated that concerned workman has performed duties from January, 1982 to 31/8/87 and in between

True Translation contd -

[ 19 ]

concerned workman had not been given work intentionally. Concerned workman has carried on work for more than 240 days period from dated 31/8/1986 to dated 31/8/87 and, therefore, combine workman is entitled to receive unemployment compensation and notice pay. As per the provisions of Industrial Disputes Act 1947, workman is entitled to receive Notice Pay and unemployment compensation.

Prior to the concerned workman having been removed on the day dated 31/8/87, since the concerned workman having worked for more than 240 days, it becomes compulsory to provide Notice Pay and unemployment compensation. But the concerned workman has not been given unemployment compensation and Notice Pay. Officer who is examined vide Exhibit 16 on behalf of the first party Telephone Exchange, that Officer does not have any personal information.

They could not establish as such that concerned workman was taken on work only GM project. Any knowledgeable witness has not been examined.

Concerned witness does not have its personal knowledge as to from when the work of GM Project had started prior to 1987 and when that work was completed. Any evidence about notice having been

served is not produced. Shri Rathod in support of his submission has quoted judgment delivered by the Central Administrative Tribunal in Original application No. 169/88, according to that judgment, it is so observed that in case the Notice Pay and unemployment compensation are not paid in accordance with the provisions of Industrial Disputes Act, than considering as if workman continued in the services, order can be passed for providing full salary from the date workmen relieved till such time workman is reinstated and other benefits payable. Shri Rathod has made submission that allowing this Reference, it is prayed to allow this Reference and order be passed reinstating the concerned workman and to grant full back wages from the date workmen having been removed till such time he is reinstated as also to allow other benefits, as well.

8.. Shri Joshi has made submission that Installation work is work of specific nature, and when workman having been engaged on contract for any specific nature of work, then when removing after completion of contract period, in such circumstances, any provision of giving

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True Translation contd -

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unemployment compensation and Notice Pay according to the provisions of Act do not exist. Workman/casual workman is not engaged after August 1987 of which concerned workman does not know. Concerned workman is removed as casual workman. From the facts lying, it is established that concerned workman was engaged only for some specific work and that work having been completed, he is removed. Therefore, breach of Section 25-F is not committed. He was engaged for installation work machinery and is relieved on that work having been completed. Contract about engaging on work can also be oral. Casual workmen cannot be considered as regular workmen. Concerned workman has worked from October 1986 to August 1987. Prior to that, he went away in August 1985 leaving the work. Shri Joshi has submitted that any injustice has not been meted out to the concerned workmen and the concerned workman has not been able to establish as such that he had been illegally removed from the services and, hence, this Reference should be rejected. In the letter submitted vide Exhibit 10/1, concerned workman had been engaged for two months and

that letter belongs to dated 11/1/85.

After that concerned workman has worked for 132 days from dated 20/10/86 to dated 29/2/87 as per the Certificate prouide vide Mark 10/3/4 and that he has carried out that work in the Office of D TAX Rajkot. After that, concerned Assistant workman has worked in the Office of the Divisional Engineer D TAX Rajkot for 170 days from dated 1/3/87 to dt. 31/8/87.

As per the statement in reply produced by the first party at Eehibit 4, concerned workman was offered work for maintenance & in order to prove as such that work and the concerned workman did not give assent, any witness is not examined.

According to the letters produced at Exhibit 10/3 (4) & (5), concerned workman has worked for more than 240 days period continuously from dated 20/10/86 to dated 1/8/87. Since the concerned workman having worked having worked for more than 240 days' period, in accordance with the Provisions of Act and especially under Section 25 B and F of the Act, it is compulsory to provide Notice Pay and

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unemployment compensation. It has not been so established that notice may have been given to removing concerned workman. It is also not so established that unemployment compensation had ~~might have~~ been given. Concerned workman was engaged on work from time to time for the telephone exchange work, therefore, submission of the first party that concerned workman had been engaged on work in different organization. Such submission is not legal and I do not agree with such submission. As per the judgment produced by Shri Rathod, when workman having worked for more than 240 days' period, then in such circumstances, it is compulsory to grant Notice Pay and unemployment compensation prior to relieving/removing concerned workman. Deposition which is given by the witness at Exhibit 16, that witness does not have personal information. First party has not examined Kabariya Saheb. Concerned workman had not made Offer of work to the concerned workman. Muster Issuing Officer is not examined.

In regard to above observations, I have come to such conclusion that this Reference

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is legally maintainable and this Reference should be allowed, and at the time when the concerned workman was removed, Notice Pay & unemployment compensation had not been given. Therefore, order should be passed to provide backwages to the concerned workman from that date when removed till such time he may be reinstated taking into consideration as if the concerned workmen has continued in the services as well as other benefits.

9.. As per above observations, I order as under:-

O R D E R

10.. Since this Reference is being allowed, I order to give full back wages to the concerned workman Shri Pragnesh Harsha from that date when removed from time from the services till such he is reinstated. And since this Reference is being allowed, I order to grant cost of this Reference being Rs.200/- to the concerned workman. This Award is to come into force within one month from the date of publishing

the same by Labour Department of Govt. of India.

True  
Translation  
verified by me

Sd/- A. B. Patel

Sd/- NM Patel  
Secretary,  
Ahmedabad.  
Dt. 9/11/1992.

Central Industrial Tribunal Advocate.  
True Copy  
Sd/- for Registrar, Industrial Court,  
Gujarat/Ahmedabad.

True Copy  
Akin Kureshi  
Adv.