

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

(9)

NEW BOMBAY BENCH

O.A. No. 599/90

198

~~XXXXXX~~DATE OF DECISION 18-11-90

~~Nagpur Telephones Casual Labour~~ Petitioner
Nagpur and ors.

Ms. Sulekha Kumbhare Advocate for the Petitioner(s)

Versus

The Union of India and Labour Respondent
and Telepom,, New Delhi.

Mr. Ramesh Darda. Advocate for the Respondent(s)

CORAM

The Hon'ble Mr. JUSTICE U.C.SRIVASTAVA, Vice-Chairman.

The Hon'ble Mr. M.Y.PRIOLKAR, 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 ? ✓
- ✓

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

CAMP AT NAGPUR

(10)

ORIGINAL APPLICATION NO: 599/90

Nagpur Telephones Casual Labour
Union, Nagpur and ors.

.... Applicants

V/s

The Union of India
Min. of Labour and Telecom
New Delhi and ors.

.... Respondents

CORAM : HON'BLE MR.JUSTICE U.C.SRIVASTAVA, Vice-Chairman

HON'BLE MEMBER MR.M.Y.PRIOLKAR, MEMBER (A)

Appearance

Ms.Sulekha Kumbhare, Adv.
for the applicants

Mr.M.G.Bhangde, Adv.
for the Respondents

JUDGEMENT

(PER:U.C.SRIVASTAVA, Vice-Chairman)

DATED: 18-11-91

The applicants in this application are the Nagpur Telephones Casual Labour Union, Nagpur and All India Telegraph Engineering Employees Union Line Staff and Class IV, Chandrapur and one Mr.Gulabsingh Rjputsingh has filed this instant application and praying that the Respondents should be directed to reinstate (those) employees on whom the notices of retrenchment have already been served as of today and they may be directed to desist from effecting any further retrenchment of the employee listed in Schedule A and B as threatened by them. The said casual labour Union alongwith another persons filed the Original Application No. 179/91 which has been allowed by order dated 15.11.1991 with certain direction, and the facts in this case are not substantially different except that few more documents has been filed which includes the subsequent orders issued and calling for appointment of more persons indicating that the some project work is still going on and the services of casual labour are also needed. In the said the applicants, they have also

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stated that, in view of the instructions issued by the Ministry on 30th March 1985 to stop the casual labour after that date, i.e. the date which was forwarded by the Department of Personnel, the date fixed in the scheme which was laid down in pursuance of the Supreme Court order. In the Supreme Court order which made certain observations in a case regarding the regularisation and absorption of the casual labourer working in the department in question, in the said scheme casual Mazdoor who were employed after 30th March 1985 in respect of casual Mazdoor some provision was also made for their appointment, but in the scheme there is one paragraph 8 which is as follows: which is in respect of the temporary status, the casual labourer after working after 240 days any treats

"Despite conferment of temporary status, the services of a casual labourer may be dispensed with in accordance with the ground of non availability of work. A casual labourer with temporary status can quit service by giving one month's notice".

In the said case has considered the said paragraph also and thereafter taking into consideration a guidelines and norms laid down by the relevant circular issued by the Department,


u We directed to prepare a seniority list of all the casual labourer working within the territorial jurisdiction of the Akola Unit for various functions i.e. Telecom/Maintanance/Project/Electrification etc as existed when the termination notices were issued to the applicants within a period of two months and after preparing the list in respect of the work availability, the senior should be given preference and in case the work of unit has come to an end then priority and preference will be given to those who are senior in the seniority list in the other units and those who cannot be accommodated they will be as their services has been retrenched and in view


of the provision of G NH 25 of the Industrial Disputes Act, 1947 they will be given priority and preference in the matter of appointment wherever work is available. After the preparation of list no delay will be caused in giving appointment strictly and in accordance with the seniority and as directed above."

In the instant case although the said directions holds good but additional facts have been pointed out by filing certain documents from which it appears ~~that~~ the circular dated 25.2.1991 regarding a combined seniority list of casual labourer ~~engaged for work~~ directly by Project/Maintainance/electrification and not by recruiting units. There were Districts/divisions will be allowed to exercise option to select their recruiting Districts/Divisions on whose combined seniority list they may be kept for regularisation for their services in future. ~~The~~ Another Cir. dated 25.3.1991 have been placed on record regarding regularisation of casual mazdoors recruited during the period from 31st March 1985 to 1st June 1988. Yet another circular dated 19th August 1991 which has been placed on the record, provided that in respect of the request which was earlier made to depute Mazdoor for a period of 3 or 4 months for the work of dismantlement of lines and wires between Nagpur-Pandurna-Nagpur-Kanhan and Therwa. The request for ~~the~~ depute at least 50 Mazdoor immediately on or before 5.9.1991 to enable office to undertake dismantlement work immediately. The letter dated 27.7.1991 by the Divisional Engineer Phones, Nagpur has also been placed on record calling for volunteers from one of the casual mazdoors. Our direction given in the said case will hold good except that as we have already reiterated that ofcourse combined seniority list shall be immediately prepared and the work will be given to those casual labour in accordance with the seniority list prepared and then the work

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will be provided to all these labours in accordance with the list and their case for regularisation and absorption will be considered in respect of vacancies which ~~seize~~ ^{are} of casual nature that too in accordance with seniority. With the above direction this case also disposed of. There will be no order as to costs.


(M.Y. PRIOLKAR)
MEMBER (A)


(U.C. SRIVASTAVA)
VICE-Chairman

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH
CAMP AT NAGPUR

C.P. NO. 45/92
ORIGINAL APPLICATION NO. 599/90

NAGPUR TELEPHONES CASUAL LABOURER
UNION, NAGPUR AND ORS.

....Applicants

V/s

THE UNION OF INDIA

AND OTHERS.

....Respondents

CORAM : HON'BLE JUSTICE MR.S.K.DHAON, Vice-Chairman
HON'BLE USHA SAVARA, MEMBER (A)

TRIBUNAL'S ORDER

16TH JUL 1992

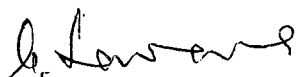
The grievance is that the directions given by this Tribunal on 18th November 1991 are being observed in their breach by the respondents, hence they are liable to be punished for having committed the contempt of this Tribunal.

2. Shri Ramesh Darda has appeared on behalf of the respondents, He informs us that, in pursuance of the directions given by the Tribunal, a seniority list has been prepared and objections have been invited to the same. He assures us that the list will be finalised within a period of one month from to-day (at the latest and thereafter the appointments will be given to those who find place in the list. The fact, that the seniority list has been prepared and the objections have been invited, has not been refused by learned counsel appearing on behalf of the applicants.

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2. We feel that it will be difficult to take ~~the~~ view that the respondents have committed wilful disobedience ~~of~~ the order of this Tribunal. We, therefore, do not propose to issue any notices to the respondents in the contempt proceedings. However, we direct the respondents to complete the process of the preparation of the seniority list and also give employment to those whose names find place in the seniority list. It is understood, that the appointments shall be given strictly in accordance with the list prepared.

3. With these directions this contempt application is disposed off. There will be no order as to costs.


(USHA SAVARA)
M/A


(S.K. DHAON)
V/C

srl

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH, 'GULESTAN' BUILDING NO.6
PRESCOT ROAD, BOMBAY 1

R.P. NO. 151/92/1992 in CP
IN O.A. NO. 599/90

NAGPUR TELEPHONE CASUAL
LABOUR UNION THROUGH ITS
PRESIDENT MS. SULEKHA KUMBHARE
AND 2 ORS.

APPLICANTS

V/s

UNION OF INDIA & 3 ORS.

RESPONDENTS

Coram: Hon. Shri Justice S.K. Dhaon, Vice Chairman
Hon. Ms. Usha Savara, Member (A)

TRIBUNALS ORDER: (By Circulation)
(Per: S K Dhaon, Vice Chairman)

Dated: 1.3.93

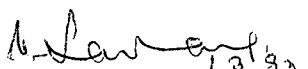
This is an application praying ^{that} the order passed by us on 16.7.92 disposing of the C.P. No.45/92 may be reviewed.

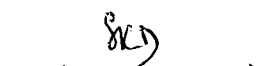
We have gone through our order and to-day we have gone through the contents of the Review application. We do not find any error, much less an error apparent on the face of record, in our order.

It is doubtful whether an application for review lies from an order passed on a contempt application. However, since we are disposing of the application on merits we do not consider it necessary to enter into this question.

We are disposing of this application by adopting the process of circulation which is permissible under the rules.

The review application is rejected.


(Usha Savara)
Member(A)


(S.K. Dhaon)
Vice Chairman

CP.No. 111/93
6 112/93
for orders
on 6/9/93

Yeli
13/8/93

OA.NO. 599/90

Dated: 7.9.93

None for either side.

S.O. to 14.9.93.

Usha Savara
(USHA SAVARA)
M (A)

M.S. Deshpande
(M.S. DESHPANDE)
V.C.

C.P.No. 111/93 and 112/93 in
O.A.No. 599/90

Mr. A.S. Bhagat for the petitioner
and Mr. R. Darda for the respondents
Reply is not on record. Reply
within four weeks. Rejoinder
if any within two weeks.

Matter to appear in the week
commencing from 1-11-93.

To be connected with group matter
in which Ms. Kumbhare appears.

Usha Savara
(USHA SAVARA)
M(A)

M.S. Deshpande
(M.S. DESHPANDE)
VC

M

CP 111/93 & 112/93

Camp at Nagpur

in
OA 599/90

Dated: 2.11.1993.

Ms. Lulekha Kumbhare, Counsel for
the applicant states that she wish to
withdraw the application of Contempt.
Counsel for the applicant allows to withdraw
the application. The application is
withdrawn.

Re
20
14/11

21/11/93
order/Judgement despatched
to Appellate Court (s)
on 30/12/93.

8/1/94

N.K. Verma
(N.K. VERMA)
M(A)

M.S. Deshpande
(M.S. DESHPANDE)
V.C.

H.