

(6)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

BOMBAY BENCH

O.A. NO: 56/91

199

T.A. NO: --

DATE OF DECISION 12-3-1992

All India Telegraph Engineering Employees Union
Petitioner
Line Staff & Class IV, Chandrapur

None for the applicants

Advocate for the Petitioners

Versus

Union of India and others

Respondent

Mr. Bhangade

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 ?

MD

mbm*


(U.C. SRIVASTAVA)

(5)

BEFORE THE CENTRAL ADMINISTRATIVE TRIBUNAL
BOMBAY BENCH
CIRCUIT SITTING AT NAGPUR

0.A.56/91

1. All India Telegraph Engineering Employees Union Line Staff & Class IV, Chandrapur through Shri V.G.Daware, Assistant Secretary, Maharashtra Circle, Nagpur.
2. Shri Gulab Yadao, R/o.C.T.O. Compound Nagpur and others.

.. Applicants

vs.

1. Union of India through Secretary, Department of Telecommunication, Ministry of Communication, New Delhi.
2. Chief General Manager, Telecommunications, Maharashtra Circle, Bombay V.T.
3. The General Manager, Telecommunication, Railway Electrification Project Circle, 300-B, Hennessy Road, Civil Lines, Nagpur.
4. The Assistant Engineer, Electrification Project Circle, Civil Line, Nagpur.

.. Respondents

Coram: Hon'ble Shri Justice U.C.Srivastava,
Vice-Chairman.

Hon'ble Shri M.Y.Priolkar, Member(A)

Appearances:

1. None for the Applicants.
2. Mr.Bhangade Advocate for the Respondents.

ORAL JUDGMENT: Date: 12-3-1992
(Per U.C.Srivastava, Vice-Chairman)

All India Telegraph Engineering Employees Union Line Staff & Class IV along with one Gulab Yadao by means of this application has challenged the retrenchment order issued by

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The Assistant Engineer, Electrification Project Circle, Civil Lines, Nagpur dtd. 30-6-1990 whereby the services of various employees were terminated with effect from 1-7-1990. They have further prayed that the respondents be directed to reinstate those employees on whom the notices of retrenchment have already been served as of today and desist from effecting any further retrenchment of the employees listed in Schedule A and B as threatened by them.

2. It appears that these applicants were casual labourers and they were never regularised and they have come forward with a case that earlier for casual labourers a scheme was framed in respect of those who have completed 240 days in a year but the applicants have not been included in the same list. Similar matter came up for consideration in the case of Nagpur Telephone Casual Labour Union v. Union of India and others and vide our judgment dtd. 15-11-1991 we decided the same as below:-

"Accordingly this application deserves to be allowed in part and respondents are directed to prepare a seniority list of all the casual labourers working within the territorial jurisdiction of the Akola Unit for various functions i.e. Telecom/Maintenance/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 Dispute

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-: 3 :-

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. There will be no order as to costs."

3. The ~~please~~ taken in these two cases are similar except the divisions to which they belong differ. Accordingly the direction which issued in the other case as quoted above is also issued in this case. The application is disposed of with above direction.


(M.Y. PRIOLKAR)
Member(A)


(U.C. SRIVASTAVA)
Vice-Chairman

MD