

(24)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH: AT

HYDERABAD

TRANSFERRED/ORIGINAL APPLICATION NO. 475 of 1987

DATE OF ORDER: 7th February, 1990

BETWEEN:

Mr. K. Ravi

APPLICANT(S) -

and

The Director General of Works,
CPWD, New Delhi and 2 others

RESPONDENT(S)

FOR APPLICANT(S): Shri G. Ramachandra Rao, Advocate (not present)

FOR RESPONDENT(S): Shri E. Madan Mohan Rao, Addl. CGSC

CORAM: Hon'ble Shri B.N. Jayasimha, Vice Chairman -
Hon'ble Shri D. Surya Rao, Member (Judl.) ✓

1. Whether Reporters of local papers may be allowed to see the Judgment? *No*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgment? *No*
4. Whether it needs to be circulated to other Bench of the Tribunal? *No*
5. Remarks of Vice-Chairman on columns 1, 2, 4 (to be submitted to Hon'ble Vice-Chairman where he is not on the Bench)

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JUDGMENT OF THE BENCH DELIVERED BY THE HON'BLE SHRI B.N. JAYASIMHA, VICE CHAIRMAN

The applicant is a Nominal Muster Roll Khalasi in the Central Public Works Department, Hyderabad. He filed this application seeking a direction to declare the applicant to be on duty as NMR Khalasi ~~as~~ with effect from 2.7.1987.

2. The applicant states that he was employed as NMR Khalasi on 3.7.1984 and he has been working continuously since then. In pursuance to the call given by the Central Public Works Department Mazdoor Union, New Delhi, all the workers in various places through out the country went on strike from 23.6.1987. The applicant also participated in the said strike. The strike was called off on 29.6.1987 and all the workers who were on strike were asked to join duty on 30.6.1987. The applicant could not report for duty on 30.6.1987 as on that day he was ill and taking treatment from a registered medical practitioner who advised him to take rest till 1.7.1987. On 2.7.1987, the applicant reported for duty before the 3rd respondent but the 3rd respondent did not take him back to duty. The applicant had sent a medical certificate issued by ^{the} doctor by registered post on 4.7.1987. Though the applicant has been attending the office daily from 2.7.1987 he was not taken back on duty. He made a representation on 14.7.1987. So far no action is taken. The applicant states that the action of the respondents in not taking ^{him} back on duty amounts to termination of his services w.e.f. 2.7.1987 and it is ~~also~~ in violation of the provisions of the Industrial Disputes Act under Section 25 F. Hence, he has filed this application.

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3. The respondents state that the engagement of the applicant in the department is not continuous one ~~from~~ and he ^{is} put on work in accordance with the exigencies of work. The strike was declared as illegal by the Government of India and a notice to this effect was also issued through the media of newpapers, Doordarshan, AIR ~~radios~~ calling on the striking workers to report for duty latest by 30.6.1987. Nothing prevented the applicant from intimating the fact that he could not report for duty on 30.6.1987. The applicant produced a medical certificate on 2.7.1987 issued by one Dr. R. Nagarjunachari who is not a registered medical practitioner. The ~~as~~ contention of the applicant that he sent the medical certificate by registered post is not correct as no such certificate has been received by the respondents.

4. The Director General of Works in his Office Order No.6/5/1/87-EC-X dated 27/30.11.1987 ordered that all muster roll workers except those who were detained in judicial custody owing to their indulgence/violence etc., to be reinstated to service. Accordingly, the applicant was reinstated. However, the applicant was reinstated in pursuance to the interim orders dated 5.8.1987 of this Tribunal. In view of the fact that the applicant's name will be retained in the Nominal Muster Roll and he will be engaged, no further relief would arise.

5. Neither the applicant nor his counsel is present. Shri E. Madan Mohan Rao, Addl. CGSC represents ~~probable~~ the respondents. In view of the fact that the applicant was reinstated with effect from 5.8.1987 and his name will be kept on the Nominal Muster Roll and ^{he will be} engaged and the

benefits of circular will be given, no further directions are required. The application is accordingly disposed of. There will be no order as to costs.✓

(Dictated in the open Court).

B.N.Jayasimha
(B.N.JAYASIMHA)
Vice Chairman

D.Surya Rao
(D.SURYA RAO)
Member(Judl.)

Dated: 7th February, 1990.

S. Venkateswaran
DEPUTY REGISTRAR 190
15/2

TO:

1. The Director-General of works, Central public works Department, Nirman Bhavan, New Delhi.✓
2. The Superintendent of Engineer(Electrical)Central Public Works Department, Nirman Bhavan, Sultan Bazar, Hyderabad.
3. The Assistant Engineer(Electrical) C.E.S.D.I.Q, Central Public works department I.T.O. Building complex, vsn Hyderabad-500 476.
4. One copy to Mr.G.Ramachandra Rao, Advocate, 3-4-498, Barkatpura Chaman, Hyderabad-500 027.✓
5. One copy to Mr.E.Madan Mohan Rao, Addl.CGSC,CAT,Hyd..
6. One spare copy.✓

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