

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

O.A.NO. 476 of 1987

Date of Order: 1.3.90

M.Qaghupathi

...Applicant

Versus

1. The Director General of Works,
Central Public Works Department,
Nirman Bhavan, New Delhi.
2. The Superintending Engineer (Civil)
Central Public Works Department
Nirman Bhavan, Sultan Bazar,
Hyderabad.
3. The Assistant Engineer (Civil)
H.C.C.D. III/2, Central Public
Works Department, Survey of India,
Uppal, Hyderabad.

...Respondents

For Applicant: Sri G.Ramachandra Rao, Advocate

For Respondents: Sri E.Madan Mohan Rao, Addl.Standing
Counsel for the Department.

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C O R A M:

HON'BLE SHRI B.N.JAYASIMHA: VICE CHAIRMAN

HON'BLE SHRI D.SURYA RAO: MEMBER (JUDICIAL)

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

The applicant herein is an Assistant Carpenter in the office of the Assistant Engineer (Civil), Central Public Works Department engaged on daily wage basis. He has filed this application seeking a direction to the respondents to declare the applicant on duty as Assistant Carpenter on Nominal Muster Roll basis with effect from 2.7.1987 with all consequential benefits.

2. The applicant says that he was employed on 9.5.84 as Assistant Carpenter on Nominal Muster Roll basis under the 3rd respondent. Ever-since, he has been working continuously without any break in service. The conditions of service are governed by the provisions contained in Central Public Works Department Manual and also the Industrial Disputes Act, 1947. In pursuance to a call given by the Central Public Works Department Mazdoor Union, New Delhi, the applicant participated in a strike from 23.6.1987. The strike was called off on 29.6.1987 and all the workers were asked to join duty on 30.6.1987. The applicant, however, could not report for duty on that date as he was ill and undergoing treatment from a registered medical practitioner who advised him ^{to} take rest till 2nd July, 1987. On 2.7.1987 when the applicant reported for duty, the 3rd respondent refused to take him back to duty. Thereafter, the applicant sent a medical certificate on 4.7.1987 by registered post. Nevertheless, the respondents have not admitted him to duty. The applicant states that action of the respondents in not taking back to duty amounts

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to termination of his services with effect from 2.7.87 and violates the provisions of the Industrial Disputes Act, 1947 under Section 25-F. Hence, he has filed this application.

3. The respondents filed a counter opposing the claim of the applicant.

4. We had issued interim directions on 5.8.1987 directing the respondents to reinstate the applicant as Assistant Carpenter on Nominal Muster Roll basis pending final orders on this application.

5. Neither the applicant is present nor is he represented by his counsel. We have heard the learned Standing counsel for the respondents Shri E. Madan Mohan Rao, Addl. CGSC.

6. Shri Madan Mohan Rao stated that most of the workers who had gone on strike reported for duty on 30.6.1987 i.e. immediately after the strike was called off. The applicant, however, did not attend/report for duty either on 30.6.1987 or on 1.7.1987 and he was absent without any intimation. Hence, the respondents followed the instructions issued by the Director General of Works, Central PWD, New Delhi in his letter No.45(1)87-EC.X (Pt.I), dated 29.6.1987.

7. We have considered the above submissions. In pursuance to the interim directions granted on 5.8.1987 the applicant has already been reinstated to duty and

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has been working since then. We are informed that the Director General of Works had later on issued instructions for regularisation of services of all the employees who had participated in the strike. The applicant should also be extended the same benefit. With these directions, the application is disposed of. No costs.

B.N.Jayashimha

(B.N.JAYASIMHA)
VICE CHAIRMAN

D. Surya Rao
(D.SURYA RAO)
MEMBER (JUDL.)

DATED 16 MARCH, 1990

D. Surya Rao
RE. DEPUTY REGISTRAR (J)
13/3/90

*Rephrased
2/3/90*
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TO: ..

1. The Director-General of works, Central public works Department, Nirman Bhawan, New Delhi.
2. The Superintending Engineer(Civil) Central Public Works Department, Nirman Bhawan, Sultan Bazar, Hyd.
3. The Assistant Engineer(Civil) H.C.C.D.III/2, Central Public Works department, Survey of India, Uppal Hyderabad-500 039.
4. One copy to Mr.G.Ramachandra Rao, Advocate, 3-4-498, Barkatpura, Hyderabad-500 027.
5. One copy to Mr.E.Madan Mohan Rao, Addl.CGSC, CAT, Hyd.
6. One spare copy.

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