

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.399/89

Date of Order: 8.7.1993

BETWEEN :

G.Sayulu

.. Applicant.

A N D

1. The Sub-Divisional Officer,
Telecommunications,
Armoor - 503 224. NIZAMBAD.
2. The Telecom District Engineer,
Nizambad - 503 050.
3. The Director-General, Telecom,
(representing Union of India),
New Delhi - 110 001.

.. Respondents.

Counsel for the Applicant .. Mr.C.Suryanarayana

Counsel for the Respondents .. Mr.N.V.Ramana

CORAM:

HON'BLE SHEI A.B.GORTHI : MEMBER (ADMN.)

HON'BLE SHRI T.CHANDRASEKHARA REDDY : MEMBER (JUDL.)

Order of the Division Bench delivered by
Hon'ble Shri A.B.Gorthi, Member (Admn.).

The applicant, ~~.....~~ states that he ~~.....~~ worked with the respondents organisation for more than 3 years as a casual mazdoor, ^{but} was illegally terminated w.e.f. 1.7.1988. His grievance ~~.....~~ as brought out in this application are manifold. Firstly contends that ^{as} having acquired temporary status, having work for more than 240 days in each year between 1985-88, the termination of his service without any notice ~~.....~~ was illegal. Secondly contends ^{he} that ~~.....~~ despite the judgement of the Hon'ble Supreme Court in Daily Rated Casual Labourers in P&T Department Vs. Union of India AIR 1987 2342, the respondents continued to pay him only Rs.14/- per day from 5.2.1986. In other words his contention is that the benefit of the Supreme Court's judgement which should have been available to him w.e.f. 5.2.1986 has been denied to him. Thirdly he requests for re-engagement with all consequential benefits including backwages.

2. The respondents in their counter affidavit have stated that the applicant was engaged as a Casual Mazdoor in Armur Telecom Sub Division from 1.4.1985 to 31.10.1987. He worked throughout this period with intermittent breaks. His services had to be terminated w.e.f. 1.11.1987 as there was no work for him. As the applicant's engagement was purely casual in nature and as there was no work ~~.....~~ after 1.11.1987 the dis-engagement of the applicant as a casual mazdoor cannot be assailed.

as contended by the respondents.

3. We have heard Mr.C.Suryanarayana, learned counsel for the applicant and Mr.N.V.Ramana, Standing Counsel for the respondents. Admittedly the applicant worked for more than 240 days in each year during the period atleast from 1.4.1985 to 31.10.1987. Similarly situated several employees approached the Tribunal and this Tribunal in a batch of cases, the leading case being OA.367/88 held that the applicants would be entitled to be reengaged in accordance with their seniority subject to the availability of work and for consequential benefits. However, on the question of grant of backwages after having heard Mr.Suryanarayana and having gone through several cases cited by him in support of his contention, ^{it was} held that the applicants would not be entitled to backwages as it was ^{also} held by the Tribunal that the termination of their service was not illegal PERSE. In the instant case ^{also in view of the} categorical statement by the respondents that the services of the applicant were terminated for want of work, we too would like to observe that his dis-engagement would not be illegal as such.

4. In addition Mr.C.Suryanarayana has today placed reliance on the judgement in the case of Narvatham Chopra Vs. Presiding Officer 1989 SC (L&S) (565). That was a case under Industrial Disputes Act and the Appellant therein was an employee in the Haryana State Electricity Board, from the judgement it does not appear that the appellant was a casual mazdoor as the applicant herein is. In view of this we are of the view that the judgement in Narvatham Chopra's case will not

give any assistance to the applicant's case. Accordingly we would like to go along with the judgement of this Bench of the Tribunal in the afore-said batch cases and conclude that the applicant is not entitled ^{to} backwages for the period from the date of his dis-engagement to the date of his re-engagement.

5. Mr.C.Suryanarayana has brought to our notice that as many as 26 casual mazdoor were engaged by the respondents during the period 1985-88, but the applicant was denied the benefit of such re-engagement. If this be correct, there can be no doubt that the applicant deserves to be re-engaged.

6. As regards the claim of the applicant for the benefit of the Supreme Court's judgement in P&T Daily Rated Casual Mazdoors Vs. Union of India, the respondents choose not to make any comment in their counter affidavit.

7. In the light of what is afore-stated we are of the considered view that the application ~~is~~ deserves to be allowed partly. We accordingly direct the respondents :-

(1) To re-engage the applicant as soon as possible and in any case within 30 days from the date of the communication of the judgement provided any one junior to him had been re-engaged in the past.

(2) The applicant's case for grant of temporary status, ~~was~~ also for his regular absorption, shall be considered strictly in accordance with his seniority vis-a-vis the other casual mazdoors.

✓

(3)

(3) As per the Supreme Court's judgement in Daily Rated Casual ^{Mazdoor} case the applicant would be paid wages at the rate of 1/30 of the minimum of the scale for the Group D employee w.e.f. 5.2.1986 till the date of his disengagement if such benefit had been given to others who were similarly situated. Delay, if any, in seeking this relief is hereby condoned.

The application is disposed of in the above terms.

T. Chandrasekhara Reddy
(T. CHANDRASEKHARA REDDY)
Member (Judl.)

A. B. Gorthy
(A. B. GORTHY)
Member (Admn.)

Dated: 8th July, 1993

(Dictated in Open Court)

sd/ Dy. Registrar (Judl.)

Copy to:-

1. The Sub-Divisional Officer, Telecommunications, Armoor-22
2. The Telecom District Engineer, Nizamabad-050.
3. The Director-General, Telecom, (representing Union of India), New Delhi-001.
4. One copy to Sri. C. Suryanarayana, advocate, CAT, Hyd.
5. One copy to Sri. N. V. Ramana, Addl. CGSC, CAT, Hyd.
6. One spare copy.
7. one copy to Library.

Rsm/-

1
S. H. S. 100
100