IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD.

O.A.No.361/90. Date of Judgement 16.11.92

G.Gothiyya .. Applicant

Vs.

1. The Sub-Divisional Officer, Telecom., Nidadavolu-534301.

2. The Divl. Engineer, Telecom., Eluru-534050.

3. The Director-General, Telecom., Sanchar Bhavan, New Delhi-110001. .. Respondents

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Counsel for the Applicant : Shri K.L.Narasimham

Counsel for the Respondents : Shri N.V.Ramana,Addl. CGSC

CORAM:

Hon'ble Shri R.Balasubramanian : Member(A)

Hon'ble Shri C.J.Roy : Member(J)

X Judgement as per Hon'ble Shri R.Balasubramanian, Member(A) X

This application has been filed by the applicant under section 19 of the Administrative Tribunals Act, 1985 against the respondents with a prayer to set aside the oral order of termination dt. 1.1.90 and to direct the respondents to reinstate the applicant w.e.f. 1.1.90 with all consequential benefits and continuity of service and to confer on him the temporary status.

2. The applicant had worked as Casual Mazdoor in the Telecom. Department. It is stated that his services were terminated on 1.1.90 all of a sudden by oral orders. It is also stated that he had put in substantial service. It is contended that he had completed 240 days of continuous service in a calendar year and it is claimed that on the strength of this, his services should be regularised in the light of the decisi

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of the Hon'ble Supreme Court in W.P.No.373/86 (Daily rated casual labour employed under the P&T Department through the Bharatiya Dak Tar Mazdoor Manch Vs. Union of India & Others). The termination of the applicant from service is stated to be illegal, null and void.

3. The respondents have filed a counter and opposed the application. It is contended that consequent to the introduction of electronic teleprinters in the telegraph offices the quantum of manual work had come down and that there is no work for the applicant. That was the reason why they ordered disengagement of the applicant temporarily for want of work and this does not amount to termination. It is also stated that the applicant would be engaged as Casual Mazdoor whenever work is available.

4. We have examined the case and heard the learned counsel for the applicant. At the time of the final hearing, the learned counsel for the applicant stated that this case is squarely covered by a decision dt. 27.3.91 in O.A.No.367/88 and batch of this Bench of the Tribunal. We have seen the decision and following the same we hold that if the oral termination is to be declared illegal, the applicant should approach not this forum but the appropriate forum dealing with industrial disputes. This would be in line with the Larger Bench decision of this Tribunal reported in 1991(1) SLR 245. As regards the claim of the applicant for regularisation, following the direction given in O.A.No.367/88 and batch, we direct the respondents to prepare the seniority list as per various instructions issued by the D.G.Telecom. vide:

(1) Letter No.269-89/88-STN dt. 17.10.88.

(2) Letter No.269-29/88-STN dt. 18.11.88.

(3) Letter No.269-10/89-STN dt. 7.11.89.

(4) Letter No.269-10/89-STN dt. 17.12.90.

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5. The respondents are directed to re-engage the applicant in accordance with his seniority subject to availability of work and also extend such other benefits as per the D.G.Telecom letters issued from time to time taking into consideration the judgement of the Supreme Court after preparing the seniority list/conferment of temporary status as per the above circulars.

6. With the above directions, we dispose of the application with no order as to costs.

(R.Balasubramanian)
Member(A).

(C.J.Roy)
Member(J).

Dated: 16th November, 1992.

Deputy Registrar(J)

To

1. The Sub-Divisional Officer, Telecom, Nidadavolu-301
2. The Divisional Engineer, Telecom, Eluru-050
3. The Director General, Telecom, Sanchar Bhavan, New Delhi-1.
4. One copy to Mr.K.L.Narasimham, Advocate, CAT.Hyd.
5. One copy to Mr.N.V.Ramana, Addl.CGSC.CAT.Hyd.
6. One spare copy.

pvm.

TYPED BY COMPARED BY

CHECKED BY (3) APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH : HYDERABAD

THE HON'BLE MR

AND

THE HON'BLE MR.R.BALASUBRAMANIAN:M(A)

AND

THE HON'BLE MR.T.CHANDRASEKHAR REDDY:
M(JUDL)

AND

THE HON'BLE MR.C.J.ROY : MEMBER(JUDL)

Dated: 16 - 11 -1992

~~ORDER~~/JUDGMENT:

R.A. /C.A. /M.A.No

in

O.A.No. 361/90

T.A.No. (wp.No)

Admitted and interim directions issued.

Allowed

Disposed of with directions

Dismissed

Dismissed as withdrawn

Dismissed for default

M.A.Ordered/Rejected

No orders as to costs.

pvm