IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No. 554/90. Date of Judgement 7-8-1992

Md. Saleem .. Applicant

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Vs.

1. The Sub-Divl.Officer (Telecom.),
Nagarkurnool Sub-Division,
Mahbubnagar Division.

2. The Telecom.District Engineer,
Mahbubnagar Division.

3. The Director Telecommunications,
Hyderabad Area, Secunderabad-3.

4. The Chief General Manager,
Telecommunications,
A.P.Circle, Hyderabad.

5. The Director General, Telecom.,
New Delhi, representing
Union of India.

.. Respondents

Appearance:

For the Applicant :: Shri J.Parthasarathi, Advocate

For the Respondents :: Mr. N. Bhaskara Rao, Addl CGSC

CORAM:

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

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

JUDGEMENT

(As per Hon'ble Shri R.Balasubramanian, Member(A))

This application has been filed by the applicant under section 19 of the Administrative Tribunals Act, 1985 against the respondents with a prayer to declare the oral termination of the applicant on 31.10.89 based on proceedings dt. 30.5.85 of the D.G.P&T New Delhi and all the consequential orders issued by the respondents 4 and 5 as illegal, and to direct the respondents to reinstate the applicant.

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2. The applicant had worked as Casual Mazdoor in the Telecom. Department. It is stated that his services were terminated on 31.10.89 all of a sudden by oral orders. It is also stated that he had put in substantial service of 1410days from 1.6.85 to 31.10.89. 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 decision 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 letters:

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

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

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

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

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 Director-General, 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: 7th August, 1992.

Deputy Registrar(Judl.)

Copy to:-

1. The Sub-Divl. Officer(Telecom.), Nagarkurnool Sub-Division, Mahbubnagar Division.
2. The Telecom. District Engineer, Mahbubnagar Division.
3. The Director Telecommunications, Hyderabad Area, Sec-bad-3.
4. The Chief General Manager, Telecommunications, A.P.Circle, Hyd
5. The Director General, Telecom., New Delhi, representing, Union of India.
6. One copy to Sri. J.Parthasarathi, advocate, 164, Rly. Qrts. South Lalaguda, Secunderabad.
7. One copy to Sri. N. Bhaskara Rao Addl. CGSC, CAT, Hyd.
8. One spare copy.

Rsm/-

Rvs

O.A. 554/90

TYPED BY COMPARED BY

CHECKED BY APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

THE HON'BLE MR.

AND

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

AND

THE HON'BLE MR.T.CHANDRASEKHAR REDDY:
MEMBER(J)

AND

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

Dated: 2/8/ 1992

~~ORDER~~ / JUDGMENT

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

~~in~~

O.A.No. 554/90

T.~~A.No.~~ (~~W.P.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.

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