

(32)

Central Administrative Tribunal

HYDERABAD BENCH : AT HYDERABAD

O.A. No. 1035/91.
-T.A.No.-

Date of Decision : 14th Jan 1992

P.L.Krishna Yadav

Petitioner.

Shri M.Rama Rao

Advocate for the
petitioner (s)

Versus

Union of India, Rep. by the Secretary,
Min. of Communications, New Delhi & another

Respondent.

Shri N.V.Ramana, Addl. CGSC

Advocate for the
Respondent (s)

CORAM :

THE HON'BLE MR. R.Balasubramanian : Member(A)

THE HON'BLE MR. C.J.Roy : Member(J)

1. Whether Reporters of local papers may be allowed to see the Judgement ?
2. To be referred to the Reporter or not ?
3. Whether their Lordships wish to see the fair copy of the Judgment ?
4. Whether it needs to be circulated to other Benches of the Tribunal ?
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)

HRBS
M(A).

HCJR
M(J).

(33)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD.

O.A.No.1035/91.

Date of Judgment 14th Jan 1992.

P.L.Krishna Yadav

.. Applicant

Vs.

1. Union of India,
Rep. by the Secretary,
Min. of Communications,
New Delhi.

2. The Manager,
P&T Motor Service,
Hyderabad-1. .. Respondents

Counsel for the Applicant : Shri M.Rama Rao

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)

I Judgment as per Hon'ble Shri R.Balasubramanian, Member(A) I

This application has been filed by Shri P.L.Krishna Yadav under section 19 of the Administrative Tribunals Act, 1981 against the Union of India, Rep. by the Secretary, Min. of Communications, New Delhi & another, praying for a direction to the respondents:

(a) not to retrench him while keeping juniors in service, and
(b) to extend the same benefits as extended to the applicants in O.A.No.601/89.

2. The applicant is working as a Casual Labour (Motor Cleaner) Group 'D' in the P&T Motor Service, Hyderabad since 24.6.88. It is stated that he has registered in the Employment Exchange, Hyderabad in the year 1988. Recently, while several hands were facing retrenchment, some of them approached the Tribunal with O.A.No.601/89 in which judgment was delivered on 29.8.91. But the applicant was not called for duty and it is alleged that the respondents have violated Section 25 of the Industrial Disputes Act in-as-much as the applicant has put in more than 240 days of continuous service.

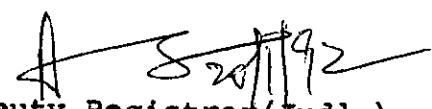
The aggrieved applicant's representations did not bear any fruit and hence this application.

3. The respondents have filed a counter and oppose the application. It is stated that the applicant was not sponsored by the Employment Exchange and it is not even known whether he has registered his name with the Employment Exchange. They deny that the applicant is retrenched or discharged. Being a part-time casual Cleaner as and when necessity arises they call him and give him ~~some~~ work. There are many other part-time casual labourers like the applicant. It is also added that one Shri Syed Yousuf Ali, one of the applicants in O.A.No.601/89 is junior to the applicant and similar to him. However, since there is no work he is also not called for duty these days. Pursuant to the judgment in the O.A. referred to, call letters were sent to 10 eligible candidates of the 1983 examination for which only 4 candidates responded and for whom appointment orders were issued. In order to avoid excess establishment, 2 part-time casual labourers were discontinued i.e., the applicant and Shri Syed Yousuf Ali, who, as stated earlier, was one of the applicants in the O.A.No.601/89. The respondents claim that they had not done anything illegal.

4. The respondents have filed an additional affidavit. It is stated that they are going to conduct a test in compliance with the directions of the Tribunal in O.A.No.601/89. It is contended that the directions given in O.A.No.601/89 are not applicable to the applicant as he has not put in one year of service on 27.10.87 which is the crucial date mentioned in the Supreme Court judgment in accordance with which they have finalised the scheme.

5. The applicant has filed an additional affidavit. He says that he has put in 240 days of service preceding two years.

6. We have examined the case and heard the learned counsels for both sides. The respondents claim that they have not retrenched or discharged the official. He is only a part-time



Deputy Registrar (Judl.)

Copy to:-

1. Secretary, Ministry of Communications, Union of India, New Delhi.
2. The Manager, P&T Meter Services, Hyderabad-1.
3. One copy to Shri. M.Rama Rao, advocate, 3-4-835/2, Barkatpura, Hyderabad.
4. One copy to Shri. N.V.Ramana, Addl.CGSC, CAT, Hydbad.
5. One spare copy.

Rsm/-

casual worker and as and when necessity arises the respondents call him and give him work. We do not find anything illegal in this act. If the applicant feels that the respondents have violated Section 25(F) of the Industrial Disputes Act, he should approach the Industrial Tribunal for relief. We have also seen the judgment dated 29.8.91 in O.A.No.601/89. There were 11 applicants in that O.A. and their names were all registered in the Employment Exchange though they were not sponsored by the Employment Exchange when they were taken by the Department on casual basis. Against this, the applicant has not given even his registration number and the respondents doubt whether he has registered at all in the Employment Exchange. In our judgment in the O.A.No.601/89 we had directed the respondents:

- (a) to appoint all the eligible persons out of the December, 1983 examination, after due formalities, and
- (b) to consider the cases of the applicants in the light of scheme prepared pursuant to the decision of the Hon'ble Supreme Court before resorting to outside recruitment in view of the long service the applicants had put in.

The applicant seeks relief alongwith the applicants in O.A.No.601/89 on the grounds that he had also put in 240 day of service in two years. To a specific question to the learned counsel for the applicant if any of his juniors had been retained in service and being called for test for regularisation the reply was in the negative. Moreover, the respondents have stated that another Shri Yousuf Ali, junior part-time worker is also not being called for the test and is laid off duty for want of work. Under these circumstances, we do not find any scope to interfere with the action of the respondents and accordingly dismiss the application with no order as to costs. This, however, does preclude the respondents from considering the case for regularisation of the applicant's service in his turn and in accordance with the rules laid down by them from time to time.

R.Balasubramanian

(R.Balasubramanian)
Member(A).

frshy
(C.G.Roy)
Member(J).

Dated 14th January, 1992.

O.A. 1035/91

TYPED BY
CHECKED BY

COMPARED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.

V.C.

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: 14/11/1992 ✓

ORDER/JUDGMENT:

R.A/G.A/ M.A.N.

in

O.A.No.

1035/91 ✓

T.A.No.

(W.P.No. _____)

Admitted and interim directions
issued.

Allowed

Disposed of with directions TCH

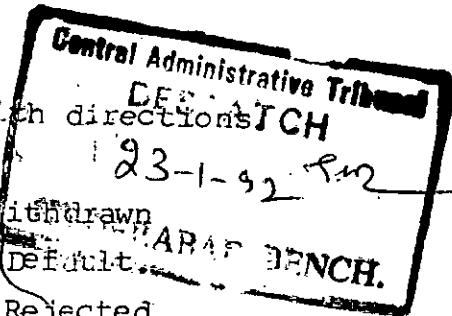
Dismissed

Dismissed as withdrawn

Dismissed for Default

M.A. Ordered/ Rejected

No order as to costs.



PVM

Q 20-92