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IN THE CENTRAL TRIBUNAL: ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:

AT HYDERABAD.

OA.NO. 1057 OF, 92.

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2.	Letter No.E-160/KW/91-92/20		
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Dated 6.9.91

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Hyderabad.

Date:

Signature of the Applicant.

(Signature)
Counsel for the Applicant.

FOR USE OF TRIBUNAL'S OFFICE ONLY:

1.Date of Filing :

2.Regm.No. :

Signature of the Registrar.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BRANCH:
AT HYDERABAD.

O.A.NO. 1057 OF 1992.

Between:-

Syed Saleem, s/o. Syed Ahmedullah, aged about 26 years,
Wanaparthi, Mahaboobnagar Divisional, Mahaboobnagar.

APPLICANT.

A N D

1. Sub Divisional Officer, Tele-Communications,
Gadwal, Mahaboobnagar District.
2. The Telecom District Engineer, Mahaboobnagar.
RESPONDENTS.

DETAILS OF THE APPLICATION:

1. Particulars of the Applicant : Shown as above.
2. Address for service of Notices: Mr. K. Venkateswararao,
Advocate, 2-2-1136/3/1
Jayalakshmi Nivas, Near
Ramalayam, New Nallakunta,
Hyderabad-500 044.
2. Particulars of the respondents &
Address for service of Notices : Shown as above.
3. Particulars of the Order:
 1. Order No. & Date
2. Subject in brief

No. E1-60/KT/91-92/20
Dated MBN the 6.9.91.
Re-Engagement ~~in~~ as causu
Mazadoor.
4. Jurisdiction: The Applicant declares that the
subject matter of the O.A. is within the jurisdiction of
the Tribunal as per Sec.14 of the Administrative Tri-
bunals's Act.1985.
5. Limitation: The O.A. is within time as per Sec.21 of
the Administrative Tribunal's Act, 1985.
6. FACTS OF THE CASE:-

(A) The Applicant is aggrieved by the impugned action

(6)

of the respondents vide letter No.E.1-60/KW/91-92/20 dated 6-9-91 issued by the Telecom District Engineer Mahaboobnagar, in ~~xxx~~ unjustly not considering the request of the applicant for reengagement of the applicant as casual majdoor on the untenable ground that at present there is ban on engagement of casual majdoor which is illegal, arbitrary discriminatory and therefore cannot be justified in the eye of law. (Annexure 1).

6(B): The applicant submits that he was recruited as casual majdoor on 1-1-82 and he continued to work as casual majdoor upto 31-10-1985 without any break. The applicants submits that he discharged his duties as casual majdoor without any complaints, and also to the satisfaction of the respondents. However the applicant was disengaged as casual majdoor from 1.11.85 on the ground that there was no work at that time. Since the date of disengagement, the applicant was making several requests to the respondents for reengaging him as casual Majdoor. The applicant submits that about 25 casual Majdoors were appointed afresh after disengagement of the applicant from 1.11.85 as can be seen from the provisional seniority of casual majdoors of Mahaboobnagar Telecom District as on 31.7.91 (Annexure 2). The applicant further submits that he had been continuously requesting the respondents to reengage him but without any result upto 31-12-89. The applicant submits that he was reengaged on 1.1.90 and he continuously worked from 1-1-1990 to 28.2.1990 as casual majdoor. The appli-

(C)

cant was again disengaged from 1-3-90 onwards. As his oral requests did not yield any fruitful result, the applicant made a representation to the second respondent to reengage him as several of his juniors were working as casual majdoors. His representation was received in the office of the second respondent on 14.8.91 as can be seen from the letter issued by the second respondent vide his letter No.E.1-60/KW/91-92/29 dated 6.9.91 to the applicant.

(C) It is now strange that the second respondent issued impugned letter No.E.1-60/KW/91-92/20 dated 6.9.91 refusing to accede to the request of the applicant to reengage him as casual majdoors which is highly arbitrary, illegal, and contrary to the material on record. It is relevant to submit that the Director General P&T issued instructions in circular No.269/130/78/STN dated 1.1.84 (Annexure III) That in the case of casual majdoor who served the department for atleast a total period of 240 days in a year and whose services were sought to be terminated by the department shall be served a notice of one month before termination of service. The applicant submits that even though he worked for more than 240 days no notice of termination was given to him either at the time of disengagement from 1-11-85 or also from 1.3.90. The applicant further submits that the persons appointed subsequent to him were continuing and it is only the applicant that is sought to be unjustly discriminated dispensing with the service first time from 1.11.85 and again from 1.3.90 and also

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in not reengaging him to this day. The applicant submit that he has been put to unfold misery and hardship without any job no fault of him and the applicant is virtually put to unnecessary hardship and literally he is on streets. The applicant submits that the impugned action of the respondents in not reengaging him while continuing several casual majdoors appointed subsequent to the applicant is wholly illegal, arbitrary and discriminatory and opposed to all canons of equity justice and fair play.

7. REMEDIES EXHAUSTED: The applicant has no other effective alternative remedy except to approach this Hon'ble Tribunal.

8. MATTERS NOT PREVIOUSLY FILED OR PENDING:-

The Applicant has not filed any other W.P./ O.A. in this regard and such a case is not pending in any court or authority of law.

9. MAIN RELIEF:- It is therefore prayed that this Hon'ble Tribunal may be pleased to declare that the applicant is entitled for reengagement as ~~casual~~ casual mazdoor under the control of the Telecom District Engineer, Mahaboobnagar with consequential benefits by holding the action of the respondents in rejecting the claim of the applicant for reengagement vide Telecom District Engineer, Mahaboobnagar Lr.No.E.1-60/KW/91-92/20 dated 6.9.91 as illegal

arbitrary, discriminatory and violative of Articles 14 and 16 of the Constitution of India and pass such other order or orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

10. INTERIEM RELIEF: Pending disposal of the above O.A. It is therefore prayed that this Hon'ble Tribunal may be pleased to direct the respondent to forthwith reengage the applicant as casual mazdoor and pass such other order orders as this Hon'ble Tribunal may deem fit and proper in the circumstances of the case.

11. Court Fee:

1. IPO.NO. & Date: 04 46 2929 W
2. Name of the Post Office: Rs 50/-

12. ENCLOSURES:

I.P.O./B.C./D.D./Removed

Material Papers, Covers, Acknowledgments, Pads & IPO.

V E R I F I C A T I O N

I, Syed Saleem, son of Syed Ahmedullah, aged about 26 years, Wanarapathy, Mahaboobnagar Division, Mahaboobnagar District Andhrz Pradesh do hereby verify that the contents of ~~the~~ stated above paras 1 to 6 true to my personal knowledge and ~~advised~~ ~~xxxxxx~~ paras 7 to 12 are true to my personal knowledge and advised to my counsel the above mentioned contents are true and verified.

(Verified)
Signature of the counsel
for the Applicant.

Saleem
Signature of the Applicant.

Date:
Hyderabad.

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ANNEXURE-1X

~~xxxx~~ Notice of termination in respect of Casual Daily Rated Mazdoors
in the P & T department.
DG P&T NO.269/130/79-STN. Dated: 1.10.1988.

In order to implement certain judgements in respect of Casual Mazdoors, the question of issuing a notice of one month of payment of wages in lieu thereof to casual mazdoors whose services are terminated by the Department, has been engaging the attention of this ~~xxxx~~ Directorate for some time past. It has now been decided that such of the casual mazdoors who serve the Department for at least a total period of 240 days in a year and whose services are proposed to be terminated by the Department shall be served a notice of one month before termination of their service or onemonth wages in lieu thereof be paid to them.

The above orders take effect from the date of issue.

K. Venkatarao
Advocate

[Signature]
Advocate

unget
N. S. Rao

TYPED BY
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
CHECKED BY APPROVED BY
HYDERABAD BENCH
HYDERABAD

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH: AT HYDERABAD

THE HON'BLE MR.

V.C.

AND

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

AND

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

AND

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

Dated: 25-1-1993

ORDER/JUDGMENT:

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

in

O.A.No. 1057/92

T.A.No. (W.P.No.)

Admitted and Interim Directions issued

Allowed

Disposed of with directions

Dismissed

Dismissed as with drawn

Dismissed for default

M.A. Ordered/Rejected

No order as to costs.

pvm.

