

IN THE CENTRAL ADMINISTRATION

BENCH

ORIGINAL APPLICATION

853/93

DATE OF JUDGEMENT

21.3.95

Between

C.S.Samuel MOSES

.. Applicant

and

1. The Accounts Officer,
O/o Director, Mtce.STSR
6-1-85/10, 2nd Floor, Saifabad
Hyderabad - 500 004.
2. The Director, Mtce.STSR
6-1-85/10, 2nd Floor, Saifabad
Hyderabad-500 004.
3. The Divisional Engineer,
Telecom, Hyderabad(Rural)
Hyderabad 500 004

.. Respondents

Counsel for the Applicant :: Mr C. Suryanarayana

Counsel for the Respondents :: Mr V. Bhimanna

CORAM:

HON'BLE SHRI A.V. HARIDASAN, MEMBER(JUDICIAL)

HON'BLE SHRI A.B. GORTHI, MEMBER(ADMN)

JUDGEMENT

As per Hon'ble Shri A.V.Haridasan, Member(Judl.)

The applicant, who was working as casual mazdoor in the office of the 1st respondent was retrenched from service by the verbal orders of the 1st respondent with effect from 1.3.1993. The applicant states that he was engaged as casual mazdoor on 17.10.89 and had worked under various offices of the respondents till 1993. The applicant alleges in this application that his services were retrenched by the 1st respondent verbally, consequent to the issuance of the letter dated 18.2.1993 of the 2nd respondent (Annexure A-I to the OA) to the DE, STSR, Hyderabad stating that inspite of instructions issued from CGMM's office to all field units that engagement of casual mazdoor on muster rolls after 31.3.1985 was totally banned, it was noted that several field units were continuing to engage casual mazdoor under ACG.17 and that the said practice was contrary to the instructions. The applicant states that the respondents retrenched his services for want of work and he being the junior most. The applicant also states that he is neither the junior most nor is there want of work requiring his retrenchment and that in the retrenchment notice, his position in the seniority of casual mazdoors of territorial Hyderabad Telecom District is not mentioned and therefore, it is not possible to find that his retrenchment was necessitated for want of work and he being the junior most. According to him, he has been retrenched without following the mandatory provisions contained in Section 25(f) of the Industrial Disputes Act, as also, in violation of Art. 14 of the Constitution of India. Therefore, the applicant prays that the respondents may be directed to reinstate him with full backwages as if he continued in service with protection of seniority by showing his name at

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Copy to:-

1. The Accounts Officer, O/O Director, Mtce. STSR 6-1-85/10, 2nd floor, Saifabad Hyd-4.
2. The Director, Mtce. STSR 6-1-85/10, 2nd floor Saifabad, Hyd-004.
3. The Divisional Engineer, Telecom, Hyd(Rural), Hyd-4.
4. One copy to Sri. C.Suryanarayana, advocate, CAT, Hyd.
5. One copy to Sri. V.Bhimanna, Addl. CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

Rsm/-

an appropriate place in the seniority list of casual mazdoors pertaining to his territorial telecom District to which he belonged.

2. The respondents have filed a reply statement contending that the applicant was engaged in the Administrative Office for attending to daftry work on purely adhoc basis, and that, the applicant from 1.7.92 to 28.2.93 had put in only 190 days of service and his retrenchment was due to deployment of regular Group 'D' staff and hence, the retrenchment is in order and the application may be dismissed.

3. The applicant has also filed a rejoinder clearly indicating the services he rendered under the various organisations of the respondents from 17.10.1989 onwards.

4. OA 851/93 has been filed by an applicant similarly situated like the applicant herein which we have disposed of today by separate orders. As the pleadings and contentions raised in this OA and OA 851/93 are similar in all aspects and as our observations in OA851/93 mutatis-mutandis will be applicable to the facts of this case also we dispose of this OA on the same lines with the following directions:

* The respondents are directed to include the name of the applicant at an appropriate place commensurate with the length of his service in the list of casual mazdoors kept under the third respondent and to re-engage the applicant as and when work becomes available anywhere in the division in preference to casual mazdoors with lesser length of casual service than the applicant.

5. No order as to costs.

(A.B.GCRTHI)
Member (Admn)

Dtd.: 21.3 1995

(A.V.HARIDASAN)
Member (Judl.)

2-2- (3) cm

In the C.A. HYB Bench
at Hyd.

Mm Mr. HAVH J.M.
Mm Mr. HADH. Am.

Judgment dt 21/3/95.

in

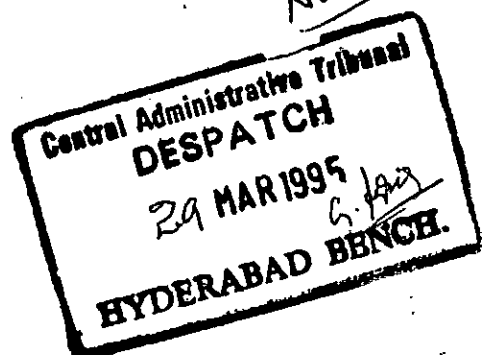
OA. 858/93.

OA. disposal of vide
order on separate
sheet.

NO order as to costs.

(T)

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