

(38)

CENTRAL ADMINISTRATIVE TRIBUNAL
AT HYDERABAD

ORIGINAL APPLICATION NO. 854/93

DATE OF JUDGEMENT: 21-3-95

between

N. Rambhadracharya

.. Applicant

- and
1. The Asst. Engineer
Microwave Mtce. 3rd Floor
Telephone Bhawan,
Hyderabad-500 004
 2. The Divisional Engineer,
Microwave Mtce., Sai Nilayam
6-1-85/10 Saifabad
Hyderabad-4.
 3. The Director
Mtce. STSR, 6-1-85/10
2nd Floor, Saifabad, Hyderabad-4
 4. The Telecom District Engineer
Sangareddy - 502 050

.. Respondents

Counsel for the Applicant :: Mr C. Suryanarayana

Counsel for the Respondents :: Mr N.V. Ramana, CGSC

CORAM:

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

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

O.A.854/93

Dt.of Judgement: _____ 1995

JUDGEMENT

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

The applicant who was engaged as a casual mazdoor under the first respondent from 20.5.90 onwards and had rendered a service of 991 days was retrenched from service by the impugned order dated 11.3.1993 with effect from 12.3.1993 onwards for want of work and as he was said to be the junior most casual mazdoor. The applicant states that he is neither the junior most nor is there want of work requiring his retrenchment and that the impugned order was issued pursuant to the letter issued by the third respondent dated 18.2.1993 (Annexure-II to the OA) to the DE, STSR, Hyderabad stating that, inspite of instructions issued from the CGMM's office to all field units that engagement of casual mazdoors 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 in the retrenchment notice, his position in the seniority of casual mazdoors of territorial Sangareddy District is not mentioned therefore, it is not possible to find that his ~~XXXXXXXX~~ retrenchment was necessitated for want of work and he being the junior most. According to him, he has been retrenched without following mandatory provisions of 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 impugned order of termination dated 11.3.1993 may be set aside and the respondent be directed to reinstate the applicant with full backwages as if he continued in service and protection of seniority show his name at the appropriate place in the seniority list of casual mazdoors pertaining to his territorial telecom District to which he belonged.

Copy to:-

1. The Asst. Engineer, MW-Mtce. 3rd floor, Telephone Bhavan, Hyderabad-004.
2. The Divisional Engineer, MW.Mtce. Sail Nilayam, 6-1-85/10, Saifabad, Hyd-4.
3. The Director, Mtce. STSR 6-1-85/10, 2nd floor, Saifabad Hyd-4.
4. The Divisional Engineer Telecom, Hyderabad(Rural), Hyd.
5. One copy to Sri. C.Suryanarayana, advocate, CAT, Hyd.
6. One copy to Sri. V.Bhimanna, Addl. CGSC, CAT, Hyd.
7. One copy to Library, CAT, Hyd.
8. One spare copy.

Rsm/-

2. O.A.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 CA851/93 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

with the following direction:

"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 fourth 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."

3.

No order as to costs.

(A.B.GORTHI)
Member (Admn)

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

Dated: 21.3 1995

mvl

Dy. Registrar (S)

cmr-41

OA-854/93

TYPED BY
CHECKED BY

COMPARED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

THE HON'BLE MR. S. V. NARAYAN : MEMBER (J)

AND

THE HON'BLE MR. A. B. GORTHY : MEMBER (A)

DATED :

21/3/95

~~ORDER~~ JUDGEMENT.

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

in

O.A.No. 854/93

Admitted and Interim directions
issued

Allowed

~~U~~ Disposed of with Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default.

Rejected/Ordered

~~No~~ order as to costs.

YLKR

