

ORIGINAL TRIBUNAL:HYDERABAD B.

HYDERABAD

ORIGINAL APPLICATION NO. 857/93

DATE OF JUDGEMENT: 21-3-95 1995

Between

S.Rajender

.. Applicant

1. The Asst.Engineer,
UHF Maintenance
DRDL, Kanchanbagh,Hyderabad-268 .
2. The Divisional Engineer,
Microwave-Mtce.Sail Nilayam
6-1-85/10,Saifabad,Hyderabad-4.
3. The Director, Mtce.STSR
6-1-85/10, 2nd Flor,Saifabad,Hyd-4.
4. The Divisional Engineer,
Telecom, Hyderabad(Rural)
Hyderabad-500 050

.. Respondents

Counsel for the Applicant :: Mr C. Suryanarayana

Counsel for the Respondents :: Mr NV Raghava Reddy

CORAM:

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

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

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 1.9.1990 onwards and had rendered a service of 923 days was retrenched from service by the impugned order dated 11.3.1993 with effect from 12.3.1993 for want of work and as he was said to be the junior most casual mazdoors. The applicant states that he is neither the junior most casual mazdoor nor is there want of work requiring his retrenchment and that the impugned order was issued pursuant to the letter dated 18.2.1993 of the third respondent (annexure-A-II 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 mazdoors on Muster Rolls after 31.3.1985 was totally banned, it was noted that the 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 Hyderabad DE Territory 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 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 respondents be directed to reinstate the applicant with full backwages as if he continued in service and protection of his seniority showing his name at the appropriate place in the seniority list of casual mazdoors pertaining to his territorial telecom district to which he belonged.

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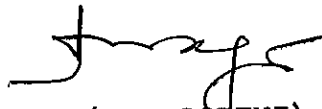
1. The Asst. Engineer, UHF Maintenance, DRDL, Kanchanbagh, Hyderabad-268.
2. The Divisional Engineer, Microwave-Mtce. Sail Nilayam, 6-1-85/10, Saifabad, Hyd-4.
3. The Director, Mtce. STSR 6-1-85/10, 2nd floor, Saifabad, Hyd-4.
4. The Divisional Engineer, Telecom, Hyd(Rural), Hyd-050.
5. One copy to Sri. C.Suryanarayana, advocate, CAT, Hyd.
6. One copy to Sri. N.V.Raghava, Reddy, Addl. CGSC, CAT, Hyd.
- ~~7. One copy to Sri. C.Suryanarayana, advocate, CAT, Hyd.~~
7. One copy to Librar, CAT, Hyd.
8. One spare copy.


Rsm/-

2. OA 851/93 has been filed by an applicant similarly situated like the applicant herein, which we are disposing of today by separate orders. As the facts, issues, pleadings and ~~xxxxxx~~ contentions raised in this OA and OA 851/93 are similar in all respects, for the reasons stated in OA 851/93, we dispose of this OA also on the same lines 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 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."

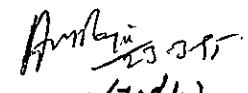
3. No order as to costs.


(A.B. GORTHI)
Member (Admn)


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

Dated: 2/3 1995

mvl


Dy. Registrar (Judl.)

contd.... 4/-

6A-857/42

TYPED BY
CHECKED BY

COMPARED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH

THE HON'BLE MR.A.V.HARIDASAN : 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.

857/43

Admitted and Interim directions
issued

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default.

Rejected/Ordered

No order as to costs.

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Central Administrative Tribunal
DESPATCH
29 MAR 1995
HYDERABAD BENCH