

THE CENTRAL ADMINISTRATIVE
AT HYDERABAD

ORIGINAL APPLICATION NO. 858/93

DATE OF JUDGEMENT: 21-3-95

Between

Syed Abdul Kaleel

.. Applicant

and

1. The Asst.Engineer,
MW-Mtce.3rd Floor
Telephone Bhawan
Hyderabad-500 004

2. The Divisional Engineer
MW-Mtce.Sail Nilayam
6-1-85/10, Saifabad
Hyderabad-4.

3. The Director
Mtce.STSR 6-1-85/10, 2nd Flr
Saifabad Hyderabad-500 004

4. The Divisional Engineer
Telecom, Hyderabad (Rural)
Hyderabad-500 050

.. Respondents

Counsel for the Applicant :: Mr C. Suryanarayana

Counsel for the Respondents :: Mr V. Bhimanna, Addl.CGSC

CORAM:

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

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

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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 8.9.1990 onwards and had rendered a service of 1011 days was retrenched from service by the impugned order dated 11.3.93 with effect from 12.3.1993 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 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 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 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 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.

Copy to:-

1. The Asst. Engineer, MU-Mtcs. 3rd Floor, Telephone Bhawan, Hyderabad-004.
2. Divisional Engineer, MU-Mtcs. Sri Nilayam 6-1-85/10, Saifabad, Hyderabad-004.
3. The Director, Mtcs. STSR 6-1-85/10, 2nd floor, saifabad, Hyd-004.
4. The Divisional Engineer Telecom Hyderabad(Rural), Hyd-050.
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.

Reo/-

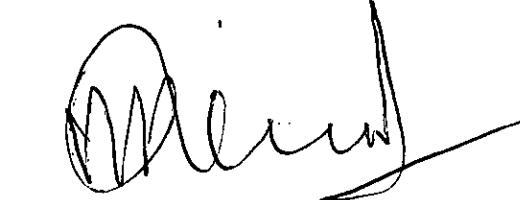
2. OA 851/93 has been filed by an applicant similarly situated like the applicant herein, which we are disposing of today by separate orders. As the facts, issues involved, pleadings and contentions raised in this OA and OA851/93 are similar in all aspects, for the reasons stated in OA851/93, we dispose of this OA also 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 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.



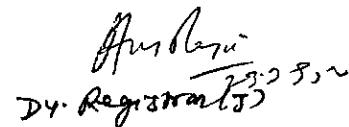
(A.B.GORTHI)
Member(Admn)



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

Dated: 21.3 1995

mvl



D.Y. Registrar

contd ... 4/-



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