

ORIGINAL APPLIC

859/93

DATE OF JUDGEMENT

21-3-95

1995

Between

L.T.B.Srinivas

.. Applicant

and

1. The Asst. Engineer  
MW-Mtce. 3rd Floor  
Telephone Bhawan  
Hyderabad-500 004.
2. Divisional Engineer  
MW-Mtce. Sai Nilayam  
6-1-85/10,  
Saifabad, Hyderabad-500 004.
3. The Director  
Mtce. STSR 6-1-85/10  
2nd Floor, 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. GORTHY, MEMBER (ADMN)

JUDGEMENT

As per Hon'ble Shri AV Haridasan, Member(J):

The applicant, who was engaged as a casual mazdoor under the first respondent from 1.8.1990 onwards and had rendered a service of 832 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 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 list 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 respondent be directed to reinstate the applicant with full backwages 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 telecommunication District to which he belonged.

Copy to:-

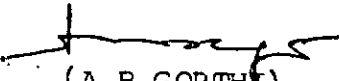
1. The Asst. Engineer, MW-Mtce. 3rd floor, Telephone Bhawan, Hyderabad-004.
2. Divisional Engineer, MW-Mtce. Sai Nilayam 6-1-85/10, Saifabad, Hyderabad-004.
3. The Director, Mtce. STSR 6-1-85/10, 2nd floor, saifabad, Hyd-004.
4. The Divisional Engineer Telecom Hyderabad(Rural), Hyd-050.
5. One copy to 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.

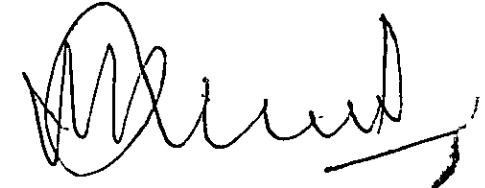
Rsm/-

2. O.A.851/93 has been filed by an applicant similarly situated like the applicant herein, which we are disposing of today by separate order. As the facts, issues, 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."

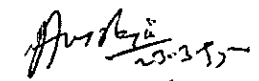
3. No orders as to costs.

  
(A.B. GORTHI)  
Member (Admn)

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

Dated: 21/3 1995

mv1

  
Dy. Registrar (3)

contd... 41.