

ENTRAL ADMINISTRATIVE TRIBUNAL
AT HYDERABAD

ORIGINAL APPLICATION NO. 863/93

DATE OF JUDGEMENT: 21-3-95

Between

P.Venkatasubbaiah

.. 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, ~~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) .. Respondents
Hyderabad-500 050.

Counsel for the Applicant :: Mr C. Suryanarayana

Counsel for the Respondents :: Mr NV Ramana,CGSC

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 engaged as a casual mazdoor under the first respondent from 1.11.1991 onwards and had rendered 466 days service 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 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 issued by the third respondent dated 18.2.1993 (Annexure-A-II to the OA) to the DE, STSR Hyderabad stating that in spite 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 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 respondents be directed to reinstate the applicant with full backwages as if he continued in service and protection of his 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 Bhawan, ~~U.....~~ 6-1-85/10.
2. Divisional Engineer, MW-Mtce, Sai Nilayam, 6-1-85/10, Saifabad, Hyd-004.
3. The Director, Mtce. STSR 6-1-85/10 2nd floor, Saifabad, Hyd-004.
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.Ramana, Addl. CGSC, CAT, Hyd.
7. One spare copy.

Rsm/-

2. O.A.851/93 has been filed by an applicant similarly situated like the applicant herein, which we have dispose of today by separate orders. As the pleadings and contentions raised in this OA and OA851/93 are similar in all aspects for the reasons stated in OA851/93, we dispose this OA also on the same lines with the following direction:

"The respondents are directed to include the 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.

ABG
(A.B.GORTHI)
Member(Admn)

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

Dated: 21.3 1995

mvl

*Amulya
23.3.95
Dy. Registrar (J)*

Contd... 41-

OA-863/3

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.GORTHI : MEMBER(A)

DATED : 21/3/95

ORDER/JUDGEMENT.

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

IN 863/95

O.A.NE.

Admitted and Interim directions
issued

Allowed

Disposed of with Directions —

Dismissed

Dismissed as Withdrawn

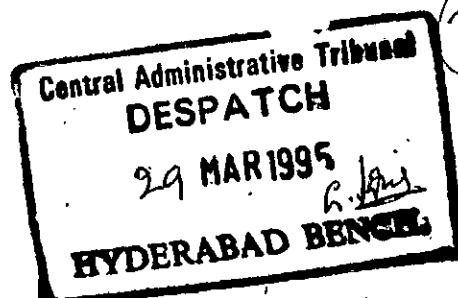
Dismissed for Default.

Rejected/Ordered

No order as to costs. —

YLKR

NO SPARE COPY



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