

IN THE

COURT OF APPEALS: HYDERABAD BENCH

ORIGINAL

NO. 864/93

DATE OF

21-3-95 1995

Between

Md. Shabuddin

.. Applicant

1. The Asst. Engineer  
CXL-Mtce. (O/D) -I  
Hyderabad-500 004.
2. The Divisional Engineer,  
CXL Mtce. Tele-Bhavan  
Hyderabad 500 004
3. The Director, Mtce. STSR  
6-1-85/10 2nd Floor, Saifabad  
Hyderabad-500 004.
4. The Telecom Distt. Engineer  
Nizamabad 503 050

.. 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. GORTHI, 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 1.9.1991 onwards and had rendered a service of 377 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 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 31.3.85 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 Nizamabad Telecom District 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 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 CXL-Mtce. (O/D)-1, Hyd-004.
2. The Divisional Engineer, CXL Mtce. Tele-Bhavan, Hyd.
3. The Director, Mtce. STSR 6-1-85/10 2nd Floor, Seifabad, Hyd-004.
4. The Telecom Distt. Engineer, Nizamabad-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 Library, CAT, Hyd.
8. One spare copy.

Ram/-

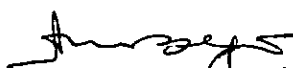
O.A.864/93


Dt. of Judgement: \_\_\_\_\_ 1995

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 OA 851/93 are similar in all aspects and as our observations in OA 851/93 mutatis-mutandis will be applicable to this OA also, we dispose of this OA 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 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."

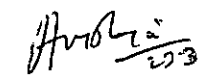
3. No order as to costs.

  
(A.B.GORTHY)  
Member (Admn)

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

Dated: 21.3 1995

mv1

  
Dy. Registrar (S)

contd. .... 4/-

01-864/93

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH

THE HON'BLE MR.A.V.HARIDASAN : MEMBER(A).

AND

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

DATED : 21/3/95

ORDER/JUDGEMENT.

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

O.A.No.

in  
864/93

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

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