

ADMINISTRATIVE TRIBUNAL:HYDERABAD

HYDERABAD

ORIGINAL APPLICATION NO. 866/93

DATE OF PLEAEMENT: 21-3-95 1995

Between

Ch.Raju

.. Applicant

and

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 V. Bhimanna

CORAM:

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

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

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JUDGEMENTAs per Hon'ble Shri AV Haridasan, Member (Judl.)

The applicant who was engaged as a casual mazdoor under the first respondent from 11.7.1991 and had rendered a service of 429 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, inspite 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 this retrenchment was necessitated for want of work and he being the junior most. According to him, he has been retrenched without following mandatory provisions of 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.

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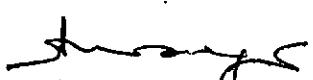
1. The Asst. Engineer, CXL-Mtcs(O/D)-I, Hyd-004.
2. The Divisional Engineer, CXL Mtcs. Telephone Bhavan, Hyd-004.
3. The Director, Mtcs. STSR 6-1-85/10 2nd floor, Saifabad,
4. The Telecom Dist. Engineer, Nizamabad-050.
5. One copy to Sri. C.Suryanarayana, advocate, CAT, Hyd.
6. One copy to Sri. V.Bhimanna, 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 have disposed of today by separate orders. As the pleadings and contentions raised in this OA and OA851/93 are similar in all aspects and as our observations in OA851/93 mutatis-mutandis will be applicable to the facts of this case also, we dispose of this OA 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 ~~xxx~~ lesser length of casual service than the applicant."

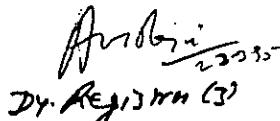
3. No order as to costs.


(A.B.GORATHI)
Member (Admn)


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

Dated: 21/3 1995

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Dy. Regd. Mm (3)

Contd ... 4/-

07-866/93
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.A/C.P.NO.

O.A.N.S.

in
866/93

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

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(B)

