

WRA NO. 867/93

DATE OF JUDGMENT: 21-3-95 1995

Between

B. Prakash

.. Applicant

and

1. The Accounts Officer,
O/o Director, Mtce, STSR
6-1-85/10, 2nd Floor
Saifabad Hyderabad-4
2. The Director, Mtce. STSR
6-1-85/10, 2nd Floor, Saifabad
Hyderabad-500 004.
3. The Divisional Engineer,
Telecom, Hyderabad(Rural)
Hyderabad 500 .004

.. 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. GORTHY, MEMBER(ADMN)

JUDGEMENT

As per Hon'ble Shri A.V. Haridasan, Member(J)

The applicant who was working as casual mazdoor in the office of the 1st respondent was retrenched from service by the verbal orders of the 1st respondent with effect from 1.3.1993. The applicant states that he was engaged as casual mazdoor on 17.10.1989 and had worked under various offices of the respondents till 1993. The applicant alleges in this application that his services were retrenched by the 1st respondent verbally, consequent and respondent (Annexure-A-I to the OA) to the DE, STSR Hyderabad stating that, inspite of instructions issued from CGMM's office to all field units that engagement of casual mazdoor 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 the respondents retrenched his services for want of work and he being the junior most. The applicant also states that he is his retrenchment and that in the retrenchment notice, his position in the seniority of casual mazdoors of territorial Hyderabad 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 the 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 respondents may be directed to reinstate him with full backwages as if he continued in service with

Copy to:-

1. The Accounts Officer, O/O Director, Mtea. STSR 6-1-85/10, 2nd floor, Saifabad Hyd-4.
2. The Director, Mtea. STSR 6-1-85/10, 2nd floor Saifabad, Hyd-004.
3. The Divisional Engineer, Telecom, Hyd(Rural), Hyd-4.
4. One copy to Sri. C.Suryanarayana, advocate, CAT, Hyd.
5. One copy to Sri. V.Bhimanna, Addl. CGSC, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

Rem/-

protection of seniority by showing his name at an appropriate place in the seniority list of casual mazdoors pertaining to his territorial telecom District to which he belonged.


2. The respondents have filed a reply statement stating that the applicant was engaged in the Administrative offices for attending to daftry work on purely adhoc basis and that from 1.7.1992 to 28.2.1993, the applicant had put in only 188 days of service and his retrenchment was due to deployment of regular Group 'D' staff and hence, the retrenchment is in order and the application may be dismissed.

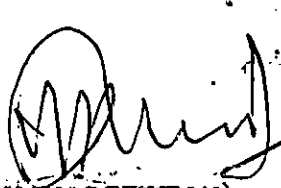
3. The applicant has also filed a rejoinder clearly indicating the services he rendered under various organisation of the respondents from 17.10.1989 onwards.

4. 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 CA851/93 are similar in all respects and as our observations in CA 851/93 mutatis-mutandis will be applicable to the facts of this case also, we dispose of this OA on the same 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 third 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."

5. No order as to costs.


(A.B. GORTHI)
Member (Admn)


(A.V. HARIDASAN)
Member (Judl)

Dtd. 21.3 1995

OA 867/93

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.GORTHY : MEMBER(A)

DATED : 21/3/95

ORDER/JUDGEMENT.

M.A./R.P./C.P.NO.

D.A.NO. in 867/93

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

no spare copy

(2)

Central Administrative Tribunal
DESPATCH
20 MAR 1995
HYDERABAD BENCH