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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : ADDITIONAL BENCH AT
HYDERABAD

O.A. NO.1457 OF 1994.

Between :

J.Balakrishna Raju
and

.. Applicant

The Chairman,
Industrial Tribunal-I,
Hyderabad, and Two others

.. Respondents.

REPLY STATEMENT OF RESPONDENTS 2 & 3

I, V.V.S. Raghava Kumar, Son of V. Nataraja Sundaram
aged about 34 years, Divisional Engineer, Telecom, Microwave
Project, Hyderabad-44, do hereby solemnly and sincerely
affirm and state as follows:

1. I am the deponent as such I am well acquainted with
the facts of the case. I am authorised to give this reply
statement on behalf of Respondents 2 and 3.

2. I have read the allegations made by the
above-named applicant and I deny the several material allega-
tions made therein except those that are specifically admitted
herein.

4. In reply to Para No.4(1), it is submitted that the ap-
plicant was not recruited by the 2nd Respondent but only engaged
for security of stores kept at Microwave godown at Hyderabad for
a shorter period from 1.8.1986 to 28.2.1988 purely on temporary
basis. No appointment orders were issued, nor had any of his certificates or employment regis-
tration card called for verification.

5. In reply to Para No.4(2), it is submitted that the maz-
door/applicant in question was engaged following the specific
need stated above on day-to-day basis.

Divisional Engineer Telecom.
Microwave Project, Hyderabad-44,
Deponent

Sub-Divisional Engineer Telecom.
Microwave Project, Hyderabad - 44,


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6. In reply to Para No.4(3), it is submitted that a notice was displayed at the godown where the labourer was working duly indicating that he would be discharged with effect from 1.3.'88. Hence, the statement that the provisions of the Industrial Disputes Act, 1947 are contravened is totally incorrect. It is a bona fide statement that project works are not of continuous nature and it is evident from the fact that the microwave godown is no more in existence based on the Office records.
7. In reply to Para No.4(4) to 4(6): Needs no comments.
8. In reply to Para No.4(7), it is submitted that it is true that a counter has been filed by the Divisional Engineer, Telecom, Microwave Project, Hyderabad, before the Industrial Tribunal.
9. In reply to Para No.4(8) & 4(9) : Needs no comments.
10. In reply to Para No.5 to 7 : Needs no comments.

It is submitted that the applicant is presently working as Constable with P.C. No.4073 in the Police Department, Govt. of Andhra Pradesh. This fact has been ascertained from the Deputy Commissioner of Police (Recruitment), Hyderabad.


In view of the facts stated above, the applicant has not made out a case for consideration. It is, therefore, prayed that this Hon'ble Tribunal may be pleased to dismiss the original applicant.


Microwave Project, Hyderabad-44
DEPONENT

Sworn and signed before me on this
20th day of June, 1995, at Hyderabad.

Attestor

Before me


Sub-Divisional Engineer Telecom.
Microwave Project, Hyderabad - 44.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH
AT HYDERABAD

O.A. 1457/94

Date of decision: 9.4.1997

Between:

J. Balakrishna Raju

.. Applicant

And

1. The Chairman,
Industrial Tribunal-I,
1st Floor, Chandra Vihar,
M.J. Road, Hyderabad-1.

2. The District Engineer,
Micro-wave Project, GOI,
1-8-1/D, Bagh Lingampalli,
Hyderabad-44.

3. The General Manager,
Micro-wave Project,
II Floor, Babukhan Estate,
Basheerbagh, Hyderabad-1. .. Respondents

Shri C. Suryanarayana

.. Counsel for applicant

Shri P. Naveen Kumar

.. Counsel for respondents

CORAM

HON'BLE SHRI H. RAJENDRA PRASAD, MEMBER (ADMINISTRATIVE) *Q/a*

O R D E R

Shri N.V.Raghava Reddy for the applicant and
Shri N.V.Raghava Reddy for the respondents.

The OA has been filed against the award dated
4.6.94 by the Industrial Tribunal, Hyderabad.

2. The learned counsel for the applicant seeks to
withdraw this OA, with liberty to adopt appropriate proceedings
if advised, in accordance with law before the Hon'ble High
Court of Andhra Pradesh. This is in pursuance of the judgement
of the Hon'ble Supreme Court that the Court has no
jurisdiction against an award of the Labour Court [Kishen
Prasad Gupta Vs. Controller of Printing Press & Stationery,
1996(1) SCC 69] 7.

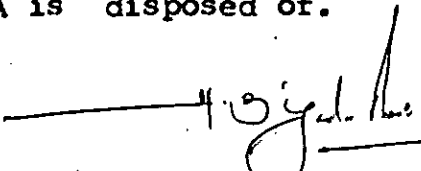
Q/a

...contd.

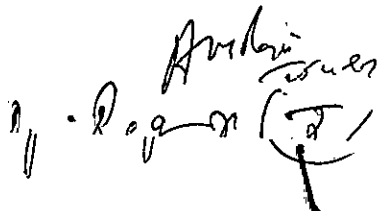
3. While permitting the OA to be withdrawn as requested by the applicant, it is recorded that this OA was pending before this Tribunal between 25th November, 1994 and today.

4. If any record has been received in connection with this OA from the Industrial Tribunal, the same shall be returned to the said Tribunal within the next 15 days. Office may take necessary action in this regard.

Thus the OA is disposed of.


(H. Rajendra Prasad)
Member (Admve.)

9th April, 1997


H. Rajendra Prasad

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30/4/97

T COURT

TYPED BY

CHECKED BY

COMPALED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

~~THE HON'BLE MR. JUSTICE~~
VICE-CHAIRMAN

~~and~~

THE HON'BLE MR. H. RAJENDRA PRASAD: M(A)

Dated: 9-4-1997

~~ORDER/JUDGMENT~~

~~M.A./R.A./C.A.No.~~

O.A.No.

1459/84

~~T.A.No.~~

(w.p.)

Admitted and Interim directions
Issued.

Allowed

Disposed of with directions

Dismissed.

Dismissed as withdrawn

Dismissed for default.

Ordered/Rejected.

No order as to costs

pvm

