

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. No. 152/94.

Dt. of Decision : 29.7.94.

1. P. Tirupati	22. K. Ravinder
2. Ch. Parvateesam	23. Ramakrishnaiah
3. B. Chandraiah	24. S. Babu Rao
4. A. Yadagiri	25. K.S. Anil
5. C. Krishna	26. D. Mohan Reddy
6. G. Ashok	27. Ch. Ravinder
7. P. Tulasidas	28. N. Sudershan
8. M. Sham Rao	29. P. Venkataswamy
9. Ch. Vijay Kumar	30. K. Pandu
10. B. Chandrasekhar	31. B. Taran Kumar
11. Ravi Kumar.V.	32. D.V. Kumar
12. M. Subbash	33. G. Laxminarayana
13. R. Jangaiah	34. M.S. Chandra Mohan
14. M. Hanumantha Rao	35. G. Krishna
15. B. Ashok Reddy	36. P. Gyaneswar
16. T. Krishna Reddy	37. M. Kumar
17. P. Ramulu	38. N. Shanker
18. T. Narsing Rao	39. M. Madhusudan Reddy
19. K. Jaikar	40. Padma Rao.A
20. T. Sudesh Kumar	41. M. Babu Rao
21. B. Purushotham	.. Applicants.

VS

1. Government of India rep. by its Secretary, Ministry of Labour, Shramik Bhavan, New Delhi.	
2. Regional Labour Commissioner (Central) ATI Compound, Vidyayanagar, Hyderabad-500 007. AP.	
3. Management of Security Printing Press rep. by its General Manager, Govt. of India, Mint Compound, Saifabad, Hyderabad.	
4. District Employment Officer (Labour) Department of Employment and Training District Employment Exchange (Labour) 1-8-522/10 Chikkadapally, Hyderabad.	.. Respondents.

Counsel for the Applicants : Mr. K. Rajanna

Counsel for the Respondents : Mr. N.R. Deveraj, Sr. CGSC.

Mr. B. Panduranga Reddy,
Spl. Counsel for A.P.

CORAM:

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

THE HON'BLE SHRI A.B. GORTHI : MEMBER (ADMIN.)

JSR

DA 152/94. Dt. of Order: 29-7-94.

(ORDER PASSED BY HON'BLE SHRI A.V.HARIDASAN,
MEMBER (J)).

* * *

Out of the 41 applicants in this case, the
1st applicant ~~not~~ ^{was} being sponsored by the Employment
Exchange while the others were sponsored by the
Employment Exchange. The 1st applicant was engaged
from 1986 onwards until June, 1992. In no year he
had completed 240 days. All the other applicants were
engaged for casual work initially for 30 days and
thereafter extended specifically for 16 days. They
were not engaged thereafter. The grievance of the
applicants is that while the applicants ~~had been~~ ^{were not} con-
tinued in engagement, the Respondents have regularly
appointed out sides who were not sponsored by the
Employment Exchange. An Industrial Dispute was raised
by the applicant was not referred to the Industrial
Tribunal or the Labour Court by the competent authority.
Under these circumstances the applicants have filed
this application claiming that the termination of their
services be declared as illegal and unlawful and the
Respondent No.3 be directed to reinstate the applicants
with effect from the date of last working in service
with full back wages.

2. The Respondents in their counter have contended

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that the applicant No.2 onwards were engaged for ^{was} specific period and the termination of their service on ^{an} account of non ~~renawal~~ renewal of their term and for want of work. As far as Applicant No.1 is concerned in no year he has completed 240 days and therefore he is not entitled to the provisions of Rule-5 of the I.D.Act.

According to the Respondents the termination of the services of the applicant, being on account of non-renewal of term of appointment, It does not amount to retrenchment and therefore there is no basis for the claim of the applicants that the termination of their services is illegal and unjustified. Respondents further pray that the applicant ~~is~~ is liable to be dismissed as the matter is devoid of merits.

3. We have gone through the application carefully and heard the arguments of the Sri Rajanna, learned counsel for the applicants and Shri N.V.Ramana, learned standing counsel for the Respondents 1 to 3. A careful scrutiny of the documents annexed to the O.A. leaves no doubt/ the fact that the non-continuance of the applicants 2 to 41 was on account of nonrenewal of appointment in accordance with the terms of order of appointment. Thus falls under 2(60) it clearly bars sub section 280 of the I.D.Act, and the termination of their services does not ~~not~~ amount to retrenchment hence no provisions of I.D.Act has been ~~filed~~ ^{violated} by the Respondents. As far as the Applicant No.1 is con-

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They
cerned that he has worked over a long period that to for

a specific period mentioned in the orders of engagement

having not worked for 240 days in any year, is not entitled

to claim any better right than the other applicants.

Hence on the examination of the facts brought out in the application we do not find any violation of Industrial Law by the Respondents in terminating the services of the applicant.

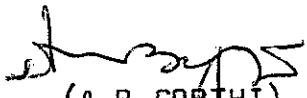
4. However, the learned counsel for the applicant pleaded that atleast in regard to future engagement of casual ~~workers~~ workers, the applicants may be given preference considered without giving preference to the freshers and the candidates who put in less number of days of service. We consider that this request is reasonable and on sympathetic grounds and also on the ground that they have rendered some service to the Respondents, the applicants have a preferential right for engagement on casual basis than the ~~the~~ freshers. In the result the prayer of the applicant for a declaration that the termination of their services is illegal and for a direction for reinstatement is rejected. However, we direct the respondents to consider the claim of the applicant for re-engagement on casual basis in preference

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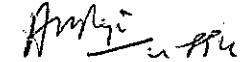
....5.

to the freshers and juniors to the applicants, if and when the requirement to engage casual employees arises in future. No order as to costs.


(A.B. GORTHI)
Member (A)


(A.V. HARIDASAN)
Member (J)

Dt. 29th July, 1994.
Dictated in Open Court.


Amulya
Deputy Registrar (J)

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Copy to:-

1. Secretary, Ministry of Labour, Government of India, Shramik Bhavan, New Delhi.
2. Regional Labour Commissioner (Central) ATI Compound, Vidyanager, Hyderabad-007.
3. General Manager, Management of Security Printing Press, Government of India, Mint Compound, Saifabad, Hyderabad.
4. District Employment Officer (Labour) Department of Employment and Training District Employment Exchange (Labour) 1-8-522-10 Chikkadapally, Hyderabad.
5. One copy to Sri. K. Rajanna, advocate, Advocates Association High Court of A.P. Hyderabad.
6. One copy to Sri. N.R. Devaraj, Sr. CGSC, CAT, Hyd.
7. One copy to Sri. D. Panduranga Reddy, Spl. counsel for AP
8. One copy to Library, CAT, Hyd.
9. One spare copy.

Rsm/-

5th page
from 4/8/94.

OA-152/94

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

AND

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

Dated: 29/7/94 ✓

ORDER/JUDGMENT. ✓

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

C.A.NO.

ⁱⁿ
152/94 ✓

I.A.NO.

(W.P.NO.)

Admitted and Interim Directions
Issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as Withdrawn.

Dismissed for Default.

Rejected/Ordered.

No order as to costs. ✓

(16)

