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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. Sudarshan        |
| 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, Vidayanagar, 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 Chikkedapally, 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 (JUDL.)

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

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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 <sup>was</sup> not ~~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 <sup>were not</sup> ~~had been con-~~  
tinued in engagement, the Respondents have regularly  
appointed out siders 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

(125)

that the applicant No.2 onwards were engaged for specific period and the termination of their service <sup>was</sup> on account of non ~~renewal~~ 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~~ <sup>of</sup> 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 it clearly <sup>falls under</sup> ~~bars~~ sub section <sup>2(oo)</sup> ~~280~~ of the I.D.Act, and the termination of their services does not ~~amount~~ <sup>violate</sup> to retrenchment hence no provisions of I.D.Acr has been ~~filed~~ <sup>violated</sup> by the Respondents. As far as the Applicant No.1 is con-

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cerned <sup>though</sup> that he has worked over a long period ~~that to for~~  
~~a specific period mentioned in the orders of engagement~~  
having not <sup>he</sup> 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.

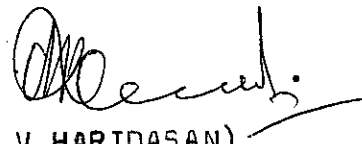
4. However, the learned counsel for the applicant  
pleaded that atleast in regard to future engagement of  
casual ~~XXXXXX~~ workers, the applicants ~~may be given~~  
~~preference~~ considered <sup>over</sup> without giving preference to the  
freshers and the candidates who <sup>had</sup> put in 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 Res-  
pondents, the applicants have a preferential right for  
engagement on casual basis than <sup>outsiders</sup> ~~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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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.

  
Deputy Registrar(J)

avl/

Copy to:-

1. Secretary, Ministry of Labour, Government of India, Shramik Bhavan, New Delhi.
2. Regional Labour Commissioner(Central) ATI Compound, Vidyanagar, 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.Devareaj, 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  
Per 4/8/94

OA-152/94 ✓

Typed by  
Checked by

Compared by  
Approved by

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

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

AND

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

Dated: 29/7/94 ✓

ORDER/JUDGMENT. ✓

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

C.A.NO.

<sup>in</sup>  
152/94 ✓

L.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. ✓

