

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:  
AT HYDERABAD

OA No.516/1995

Date of Decision: 18.9.97.

BETWEEN:

1. Syed Saleem
2. K. Kistaiah
3. M.V Ramana Reddy
4. D. Venkata Rami Reddy
5. M.V. Ranga Reddy
6. D. Linga Reddy
7. V. Balaraju
8. U. Ramaiah
9. All India Telecom Employees Union,  
Line Staff & Gr."D", Warangal Area  
Branch, repled. by its Secretary, .. Applicants

AND

1. Union of India, represented by  
the Director-General, Telecom,  
New Delhi
2. The Chief General Manager,  
Telecom, AP, Hyderabad-500001.
3. The Telecom District Manager,  
Adilabad-504 001.
4. The Sub-Divisional Officer,  
Telecom, Manchiryal-504 208. .. Respondents

Counsel for the Applicants: Mr. C. Suryanarayana

Counsel for the Respondents: Mr. K. Bhaskara Rao

CORAM:

THE HON'BLE SRI H. RAJENDRA PRASAD: MEMBER (ADMN.) 

ORDER

(Per Hon'ble Sri H. Rajendra Prasad: Member (Admn.))

Hear d Mr. C. Suryanarayana for the applicant and Mr. K. Bhaskar Rao on behalf of the Respondents.

Applicants 1, 2 and 8 filed OA No.1279/94 praying for a declaration that they were entitled to re-engagement as casual mazdoors. The OA was disposed of on 21.10.94, directing the respondents to re-engage them in preference to outsiders whenever work was available, and further that anyone already in service shall not be retrenched on account of their re-engagement. The applicants were accordingly re-engaged on 23.11.94 but discharged soon thereafter on 22.12.94.

Applicant No.3 obtained similar relief in OA 1025/94 which was disposed of on 24.8.94. He was also re-engaged but discharged on 23.12.94.

The 4th applicant secured a direction in OA 1026/94 which was disposed of on 21.10.94. The relief granted was that his past service had to be verified and his name was to be entered in the live casual mazdoor register at the proper place indicating his seniority. He was re-engaged on 23.11.94 but retrenched on 23.12.94.

The 5th applicant herein earned a relief in OA 1138/94 decided on 20.9.94. The direction in this case was to consider his re-engagement whenever work was available in preference to outsiders or those who had rendered shorter casual service than him. The applicant was re-engaged on 23.11.94 but retrenched on 23.12.94. Similar is the case with 6th applicant (OA1139/94 decided on 20.9.94).

Q. 18/  
19/9

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The 7th applicant also secured the same relief ~~in~~ in OA 1137/94 disposed of on 20.9.94. He was re-engaged pursuant to the direction of this Tribunal but retrenched on 23.12.94.

2. All the applicants, therefore, have a common grievance regarding termination of their services. They were not served with any notice prior to the impugned termination, and the work hitherto performed by them was stated to have been entrusted to contractors. Even prior to 23.11.94, all these applicants had rendered intermittent spells of service ranging between 245 days to 575 days between the years 1987 to 1990. The grievance of the applicant is that even though they had rendered more than 240 days service in a calendar year their services were terminated in violation of DG's orders and their names were also irregularly removed from the muster rolls. An additional grievance is that the respondents have not so far drawn up any seniority list of casual mazdoors as directed by this Tribunal. It is their contention that if the seniority had been properly determined in time, their services would not have been liable to termination on the ground of being the juniormost. It is pointed out that Hon'ble Supreme Court had decided (AIR 1987 SC 2342, and WP(C) No.1280 of 1989) that casual labourers recruited even after 30.3.1985 were eligible for conferment of temporary status followed by regularisation of service as per their turn and seniority. No action has so far been taken by the respondents to either draw up their seniority, or <sup>to</sup> enter their name in the live casual labour register. Such being the situation, it cannot be asserted with any certainty what precisely had happened to cause them to be ranked the juniormost, - a ground on which the present impugned order is based.

Q. 10/19

3. Relying on the above pleas the applicants pray for a declaration that they are entitled to be shown in the live casual mazdoor registers of Adilabad Telecom District as per their seniority, besides conferment of temporary status, on the ground that they have <sup>duly</sup> rendered more than 240 days of service in a calendar year. Furthermore they claim that they are entitled to one-thirtieth of the monthly wages of Gr.'D' employee of the department. They pray for direction to respondents to reinstate them, count their seniority from the date of initial employment and to pay them wages @ one-thirtieth of regular Gr.'D' employees, besides consequential benefits.

4. The respondents in their counter affidavit mention that engagement of casual labour is banned after 30.3.85 except on projects for specific periods. The engagement of casual labour even on the on-going projects was prohibited after 22.6.88. It is revealed that temporary status had already been conferred on applicants No.5 & 8 and that the remaining applicants shall be engaged as and when there is work available. It is further submitted that conferment of temporary status and subsequent regularisation is possible only in respect of those casual labourers who were engaged prior to 22.6.88 and are continuously engaged thereafter. It is pointed out that the applicants except 5 & 8 have not been continuously engaged and have a break of more than one year. Therefore they cannot be extended the concessions relating to conferment of temporary status and eventual regularisation.

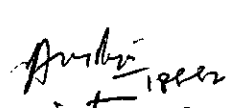
5. The issues in this case have been examined on several occasions in different OAs disposed of from time to time. There are no new points or issues which require fresh analysis.

Q.  
15/4

6. It would be sufficient to direct the respondents to:
- (a) draw up a seniority list of all casual labourers engaged in various works/projects from 1987 onwards;
  - (b) assign proper seniority to the applicants with reference to their initial date of engagement as well as length of service;
  - (c) re-engage the applicants as and when the work is available hereafter in preference to any outsider workers in any form or under any label.
  - (d) examine the question of conferment of temporary status and regularisation of their services as per rules and law taking the date of initial engagement as the base.
- and (b)
7. Action as indicated at (a) be completed within 120 days on receipt of copy of this order.
8. Thus OA is disposed of.

  
(H. RAJENDRA PRASAD)  
MEMBER (ADMN.)

Date: 19 SEP 97

  
Deputy Registrar (D) ce

O A.516/95.

To

1. The Director General, Telecom,  
Union of India, New Delhi.
2. The Chief General Manager,  
Telecom, A.P.Hyderabad-1.
3. The Telecom District Manager,  
Adilabad-1.
4. The Sub Divisional Officer,  
Telecom, Manchiryal-208.
5. One copy to Mr.C.Suryanarayana, Advocate, CAT.Hyd.
6. One copy to Mr.K.Bhaskar Rao, Addl.CGSC.CAT.Hyd.
7. One copy to D.R.(A) CAT.Hyd.
8. One copy to HHRP.~~xxx~~ M.(A) CAT.Hyd.
9. One spare copy.

pvm.

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23/9/97

I Court.

TYPED BY:

CHECKED BY:

COMPARED 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:- 18/9/97

ORDER/JUDGMENT.

M.A.,/RA.,/C-A.No..

in

O.A.No. 516/95.

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.

