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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH

AT HYDERABAD

O.A.1140/96.

Dt.of Decision : 12-10-98.

1. Syed Mastan	13. Buchaiah
2. M.Laxma Reddy	14. B.Srinivas
3. K.Ananthaiah	15. G.Ananjaiah
4. Abdual Rasheed	16. R.Sattaiah
5. Abdul Kareem	17. K.Vittal
6. A.Raheem	18. Ramachander
7. M.Ramachandraiah	19. N.Yadagiri
8. M.Narasimha Reddy	20. A.Bhasheer
9. K.Pullaiah	21. D.Sanmaiah
10.K.Ramachandraiah	22. G.Gopal Reddy
11.B.Ananthaiah	23. M.Srinivasa Reddy
12.S.Anjaiah	24. A.Anantha Ramulu

..Applicants.

Vs

1. The Union of India, Rep. by the Director General, Telecom. New Delhi-110 001.
2. The General Manager, Telecom., District, Hyderabad-33.
3. The Sub-Divisional Officer, Telecom Sub-Division, Vikarabad, R.R.Dist.
4. The Sub-Divisional Officer, Telecom Sub-Division, Tendur R.R.District.

..Respondents

Counsel for the applicants : Mr.J.V.Lakshmana Rao

Counsel for the respondents : Mr.V.Vinod Kumar, Addl.CGSC.

CORAM:-

THE HON'BLE SHRI B.S.JAI PARAMESHWAR : MEMBER (JUDL.)

ORDER

Heard Mr.J.V.Lakshmana Rao, learned counsel for the applicants and Mr.V.Vinod Kumar, learned counsel for the respondents.

2. There are 24 applicants in this OA. They were engaged as Casual Labourers under the respondents organisation. They submit that they have completed 240 days of continuous

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service in a particular year and inspite of such completion of the service they were served with one month notice terminating their services as per Annexure-1 page-11 to 34 to the OA. The applicants have furnished their particulars of engagement in page-4 of the OA.

3. Hence, they have filed this OA to call for the records and cancel the impugned individual one month termination notices issued under letter No.E-6/7/96-97/VKD/15 dated 1-9-96 by R-3 and for a consequential direction to the respondents to grant them temporary status.

4. On 23-9-96 an interim order was passed directing the respondents not to give effect to the impugned order of retrenchment of the applicants. However, in the event of implementing the retrenchment order of the applicants then the same would be subject to further order. It is stated that the retrenchment orders have not been implemented and the applicants are continuing as casual labours till date.

5. The respondents have filed their counter stating that the applicants were engaged as Casual Mazdoors between 1-12-88 and 1-3-92 that they were engaged at times for instantaneous work such as restoration of a faulty line, breakdown of lines or laying of cables in remote areas, that though the department have given several instructions to bring down the number of casual mazdoors to the minimum, it could not be effected, that hence the whole situation was reviewed and a ban on fresh recruitment of casual labourers was imposed by DG (P&T), through his letter No.270/6/84-STN, dated 30-3-85 (Annexure R-1 to the reply) that the said order exempted only co-axial cable projects and Railway Electrification projects with a condition

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that casual labourer would be engaged in these units only for specific jobs and that even the exception was removed by the letter No.270-6/84-STN dated 22-6-88 (Annexure-2 to the reply). Therefore, they rely upon the decision of the Hon'ble Supreme Court in W.P.No.373 of 1986 dated 27-10-87. They have submitted that they have formulated a scheme for regularisation of the services of casual mazdoors on 18-11-88 (Annexure-3 to the reply) that the said scheme had fixed a cut-off date as 31-3-80 and the casual labourers engaged since 31-3-80 and continued as on 31-3-87 were regularised. They further submit that they formulated another scheme dated 7-11-89 for the Casual Labourers (Grant of Temporary Status and Regularisation) Scheme, 1989 for grant of temporary status to the casual labourers who were currently engaged atleast 240 days in a year on or before 30-3-85. Thus, they submit that the applicants were engaged after the cut-off dates under both the schemes and hence they are not eligible for regularisation of their casual services.

6. However, during the course of arguments the learned counsel for the respondents relied upon the order passed by this Tribunal in OA.1080/95 (C.R.Ramamohan Vs. The Telecom District Manager, Anantapur & Another) dated 30-4-98. Further he submitted that the direction similar to those directions given in the said OA may be given in this OA also. The learned counsel for the applicants also agreed to such ^acourse of action.

7. Hence, the following directions are given:-

- a) The termination of the services of the applicants w.e.f., 1-7-95 is declared as null and void.
- b) The respondents are directed to continue them as casual labours as long as the work is available and if retrenchment of the service of the applicants becomes necessary, they shall do so strictly in accordance with the provisions contained in Chapter V-A of the I.D.Act.

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c) The claim of the applicants for grant of temporary status and regularisation is not granted as the scheme, as it stands, does not apply to casual labourers who were not currently employed on 1-10-89.

d) However, the respondents are directed to consider the desirability of extending the benefit of the scheme to casual labourers who were recruited after 1-10-89 also, as was done by the D.G., Posts in the Postal Department or to consider formulation of a scheme for grant of temporary status and regularisation as in the case of Railways, if the engagement of casual labourer cannot be dispensed with taking into account the nature of the activities of the department in the light of the fact that despite instructions to stop the practice of engagement of casual labourers, the system is being continued even now.

8. With the above directions, the OA is disposed of.
No order as to costs.

B.S. JAI PARAMESHWAR
12.10.98 (B.S.JAI PARAMESHWAR)
MEMBER (JUDL.)

Dated : The 12th October, 1998.
(Dictated in the Open Court)

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*Amulya
Tiwari*
DR

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Copy to:

1. Director General, Telecom, New Delhi.
2. The General Manager, Telecom District, Hyderabad.
3. The Sub Divisional Officer, Telecom, Sub Division, Vikarabad.
4. The Sub Divisional Officer, Telecom Sub Division, Tendur, R.R.District.
5. One copy to Mr. J.V. Lakshmana Rao, Advocate, CAT, Hyderabad.
6. One copy to Mr. V. Vinod Kumar, Addl. CGSC, CAT, Hyderabad.
7. One copy to D.R(A), CAT, Hyderabad.
8. One copy to HBSJP, M(J), CAT, Hyderabad.
9. One duplicate copy.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN : M(A)

AND

THE HON'BLE SHRI S.S. JAI PARAMESHWARI :
M(J)

DATED: 12/10/88

ORDER/JUDGMENT

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

in

C.A.NO. 1140/86

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLR

