

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:  
AT HYDERABAD

ORIGINAL APPLICATION NO.212 of 1996

DATE OF ORDER: 7th SEPTEMBER, 1998

BETWEEN:

1. M.ASHOK,
2. K.GATTUMALLU,
3. C.SRINIVAS,
4. Md.ZAHEERUDDIN,
5. M.NAGESH,
6. Md.NASEERUDDIN,
7. KUMARASWAMY,
8. D.RAJAIAH

.. APPLICANTS

AND

1. Union of India rep. by the  
Secretary, Dept. of Telecommunications,  
Sanchar Bhavan,  
New Delhi-1,
2. The Chief General Manager,  
Telecom, A.P.Circle,  
Hyderabad-1,
3. The General Manager,  
Telecom, Warangal Area,  
Hanamkonda 506 001.

4. The Telecom District  
Manager, Warngal Telecom  
District, Warangal.

.. RESPONDENTS

COUNSEL FOR THE APPLICANTS: T.V.V.S.MURTHY

COUNSEL FOR THE RESPONDENTS: Mr.V.RAJESWARA RAO,ADDL.CGSC

CORAM:

HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.)

JUDGEMENT

(ORAL ORDER PER HON'BLE SHRI R.RANGARAJAN, MEMBER (ADMN.))

Heard Mr.T.V.V.S.Murthy, learned counsel for the applicants and Mr.V.Rajeswara Rao, learned standing counsel for the respondents.

Contd....2

2. There are 8 applicants in this OA. They are Part-time Mazdoors in the Telecom Centres at various locations mentioned in the cause title of OA. R-2, by his memo No.TA/TFC/20-1/92/PT/KW/16 dated 31.7.95 (Annexure A-4 at page 15 to the OA) issued instructions to all the Superintendents of Telegraph Traffic in A.P. to dispense with immediately all the part-time casual labourers as the engagement of part-time casual labour is highly irregular and the work of cleaning/sweeping and delivery of telegram should be entrusted to a private agency. That was followed up by the D.O.Letter No.TAW/TS/5-6/I/24 dated 4.12.95 (Annexure A-3 at page 14 to the OA) urging the addressee to implement the orders dated 31.7.95 immediately and get such work attended through contract labour calling quotations/tenders. The applicants herein apprehend that their services will be terminated in view of the above two impugned letters.

3. This OA is filed to set-aside the impugned letter dated 31.7.95 (Annexure A-4) and dated 4.12.95 (Annexure A-3) directing termination of the services of the applicants as irregular and for consequential direction to the respondents to continue the applicants in service and confer temporary status and regularise their services in due course as per law and the rules in force.

4. An interim order was passed in this OA on 14.2.96. As per the interim orders, the applicants shall not be discharged so long as there is work and their juniors were continued until further orders. In view of the above interim order, it is stated that the applicants are continuing.

5. The main contention of the applicants in this OA is that the work of cleaning and sweeping is continuous work and such work cannot be entrusted to a contract agency in view of the

12

letter dated 8.12.96 annexed as Annexure A-5 at page 16 to the OA. The applicants further submit that they are performing the duties entrusted to them diligently and hence their termination is unwarranted and hence they should be continued as such.


6. A reply has been filed in this OA. The reply does not touch the relevant contentions in this OA. It is stated that the applicants are not governed by the I.D.Act. Recently it has been held by the Apex Court that the Telecom Department is governed by the I.D.Act treating it as an industry. Hence the reply cannot be accepted as the facts in this case are different.

7. In OA 1080/95, the applicants therein were Casual Labour and when their services were ordered to be terminated with effect from 1.7.95, this Bench by the order dated 30.4.98 had declared that order null and void and the respondents therein were directed to continue the applicants therein i.e, casual labour so long as there is work available and if retrenchment of services of the applicants therein happen to be necessary, to do so strictly in accordance with the provisions contained in Chapter V-A of the I.D.Act.

8. In view of the above, I feel that the interim order dated 14.2.96 should be made final and that will enable the applicants herein to continue in service so long as there is work.

9. In view of what is stated above, the OA is disposed of confirming the interim order dated 4.2.96 in this OA.

10. The OA is ordered accordingly. No order as to costs.

  
(R.RANGARAJAN)  
MEMBER (ADMN.)

DATED: 7th September, 1998  
Dictated in the open court.

DA.212/96

Copy to:-

1. The Secretary, Dept. of Telecommunications, Sanchar Bhavan, New Delhi.
2. The Chief General Manager, Telecom, A.P. Circle, Hyderabad.
3. The General Manager, Telecom, Warangal Area, Hanamkonda.
4. One copy to Mr. T.V.V.S. Murthy, Advocate, CAT., Hyd.
5. One copy to Mr. V. Rajeswara Rao, Addl. CGSC., CAT., Hyd.
6. One copy to D.R.(A), CAT., Hyd.
7. One duplicate copy.

8. The Telecom District manager, Warangal  
srr Telecom District, Warangal.

23/10/98  
(7)

(S)

II COURT

TYPED BY  
COMPILED BY

CHECKED BY  
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH HYDERABAD

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

AND

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

DATED: 7/9/98

ORDER/JUDGMENT

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

in  
C.A. NO. 212/96

ADMITTED AND INTERIM DIRECTIONS  
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

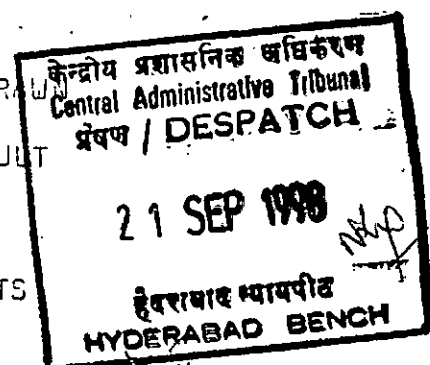
DISMISSED AS WITHDRAWN

DISMISSED FOR DEFAULT

ORDERED/REJECTED

NO ORDER AS TO COSTS

YLKR



pl. get the C.T. (Naraini)  
Proposed  
9/9