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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

ORIGINAL APPLICATION NO. 659/97

DATE OF ORDER : 12-10-1998.

Between :-

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... Applicant

And

1. The Director-General, Telecom
(rep. Union of India),
New Delhi-110 001.
2. The chief General Manager,
Telecommunications, AP,
Hyderabad-500 001.
3. The Telecom District Manager,
Mahabubnagar-509 050.
4. The Sub-Divisional Officer,
Telecom, Gadwal-509 125.

... Respondents

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Counsel for the Applicant : Shri C. Suryanarayana

Counsel for the Respondents : Shri V. Rajeshwar Rao, CGSC

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CORAM:

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

(Order per Hon'ble Shri B.S.Jai Parameshwar, Member (J)).

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(Order per Hon'ble Shri B.S.Jai Parameshwar, Member (J)).

Heard Sri C.Suryanarayana, counsel for the applicant and Sri V.Rajeshwar Rao, standing counsel for the Respondents.

2. The applicant submits that he belongs to SC community.

He was initially engaged as Casual Mazdoor with effect from 1-4-89. He submits to have served for ¹³⁵³ ~~253~~ days up to 15-4-97.

His services were terminated with effect from 6-11-90.

3. The applicant then approached this Tribunal in OA 629/91.

On 13-7-1994, this Tribunal directed the respondents to enter the name of the applicant at the appropriate place in the casual mazdoor's seniority list taking into account that he belongs to SC community, and to re-engage him in preference to his juniors and to consider his case for temporary status as per his turn.

4. It is submitted that the Respondent No.2 issued fresh instructions to Secondary Switching Areas. The said order of Respondent No.2 was considered by the Principal Bench of this Tribunal and declared the same as in-valid. Further, it was directed that the seniority list of casual labourers in Secondary Switching Areas as on 31-12-96 should be prepared separately in respect of those recruited prior to 22-6-88 and those recruited after that date and surplus casual labourers from among the junior most may be retrenched after giving due notice. The applicant submits that Respondent No.3 issued to him impugned letter dt.11-4-97 and furnished the list of casual mazdoor recruited after 22-6-88 with a direction to the Respondent No.4 to terminate

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their services. As a consequence, Respondent No.3 issued the impugned retrenchment notice dt.15-4-97.

5. The applicant has filed this O.A. to call for the records relating to the impugned orders/letters bearing No.TA/LC/5-190/95 dt.1-4-97 of the 2nd respondent; No.E.1-60/III/96-97/19 dt.11-4-97 of the 3rd respondent and the consequential retrenchment notice No.E.142/Vol.IV/97.98/43 dt.15-4-97 of the 4th respondent and to quash the same declaring that the retrenchment notice is arbitrary and violative of the provisions of the Contract Labour Act and of the statutory provisions mentioned above besides being unfair labour practice punishable under the mandatory provisions of the ID Act, 1947 and consequently to direct the respondent authorities to allow the applicant to continue in service and grant him all benefits which are consequential and incidental to the same such as conferment of temporary status from the date he completed one year service or 240 days in a year and to absorb him in the regular establishment according to his turn in the seniority list of casual mazdoor, also declaring further that the various restrictions imposed by the 1st respondent and reiterated by the 2nd respondent are illegal.

6. On 23-5-97 an interim order was passed to consider the case of the applicant for re-engagement, if any work was available and further directed that such re-engagement however, would not confer any right on the applicant to claim continuity of the service and that his future service benefits would be subject to the outcome of this O.A.

7. The Respondents have not filed any counter in this O.A.

8. I have perused the order passed in OA 1258/97. Observations made therein are fully applicable to the facts of this case. The Respondents while considering the case of the applicant must adhere to the directions passed in OA 1258/97.

9. The learned standing counsel for the respondents submits that the directions similar to those given in OA 1258/97 may be given in this OA also.

10. Accordingly the following directions are given:-

(a) The respondents may sympathetically consider the case of the applicant and provide him work to continue in his service as per the rules;

(b) Till work is available with the respondent department, the respondents may continue the services of the applicant by virtue of the interim order;

(c) In case of any eventuality, the respondents are to disengage the applicant or to terminate the contract services of the applicant, then the respondents may consider the case of the applicant to engage him in the works that may arise in future instead of outsiders.

11. With the above directions, the Original Application is disposed of. No order as to costs.

B. S. JAI PARAMESHWAR

12.10.98 (B.S.JAI PARAMESHWAR)
Member (J)

Dated: 12th October, 1998.
Dictated in Open Court.

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Copy to:

1. The Director General, Telecom, New Delhi.
2. The Chief General Manager, Telecommunications, A.P., Hyderabad.
3. The Telecom District Manager, Mahaboobnagar.
4. The Sub Divisional Officer, Telecom, Gadwal.
5. One copy to Mr.C.Suryanarayana, Advocate, CAT, Hyderabad.
6. One copy to Mr.V.Rajeswara Rao, Addl.CGSC, AT, Hyderabad.
7. One copy to HBSJP, M(J), CAT, Hyderabad.
8. One copy to D.R(A), CAT, Hyderabad.
9. One duplicate copy.

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12/11/98
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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

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

AND

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

DATED: 12/10/98

ORDER/JUDGMENT

M.A/R.A/C.P.N.S.

in
C.A. NO. 659/97

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDER AS TO COSTS

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