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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH

AT HYDERABAD

O.A. 657 of 1997

Dated, the 5th August, 1998.

BETWEEN

S. Srinivasulu

.... Applicant

A N D

1. The Director General, Telecom  
(representing Union of India)  
New Delhi 110 001.

2. The Chief General Manager,  
Telecommunications, AP  
Hyderabad 500 001.

3. The Telecom District Manager,  
Mahabubnagar-509125.

4. The Sub-Divisional Officer,  
Telecom, Gadwal-509125

.... Respondents

COUNSELS :

For the Applicants : Mr. C. Suryanarayana

For the Respondents : Mr. V. Bhimanna, Addl.CGSC.

CORAM :

THE HON'BLE MR. H. RAJENDRA PRASAD, MEMBER (A)

THE HON'BLE MR. B. S. JAI PARAMESHWAR, MEMBER (J)

ORDER

(PER : HON'BLE B.S. JAI PARAMESHWAR, MEMBER (J)

1. Heard Mr. C. Suryanarayana, Ld. Counsel for the applicant and Mr. V. Bhimanna Ld. Counsel for the respondents.
2. This is an application under Section 19 of CAT Act, 1987. The application was filed on 15.5.1997.
3. The applicant was initially engaged as a Casual Mazdeer w.e.f. 1.12.1988. He was continued in the service

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upto 31.10.89 and was retrenched w.e.f. 1.11.89. The applicant submits that his retrenchment order dt. 1.11.89 is contrary to the decision of the Principal Bench in O.A. 529 of 1988 decided on 4.5.1988 is against the principles enunciated by the Hon'ble Supreme Court in the case of Daily Rated Casual Labourers employed under P&T Department Vs. Union of India and Others (reported in AIR 1987 SC 2342).

4. It appears subsequently, the respondents 2 and 3 took decisions to impose a ban on the engagement of Casual Labourers subsequent to 22.6.88 and since there was no work in the department decided to retrench the Casual Labourers. Then the respondent No.4, by the impugned notice dt. 15.4.97 sought to retrench the applicant from his Casual service.

5. The applicant has filed this O.A. to call for the records relating to the impugned order No.TA/LC/5-190/95 dt. 1.4.97 of the 2nd respondent, letter 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/97-98/49 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 consequently to direct the respondent authorities to allow him to continue in service and grant him all benefits which are consequential and incidental to the same.

6. On 23.5.97 this Bench passed an interim order directing the respondents to consider reengaging the applicant, if any work was available. It was further observed that any such reengagement should not, however, confer any right on the applicant to claim continuity of service and his .

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rights, claims and future service--benefits--if any--should be subject to the outcome of this O.A.

7. The respondents have filed a counter--The respondents have relied upon the decisions of this Tribunal in OA 230/96 on 26.6.96 and O.A.559/96 on 10.12.97.

8. They submit that the applicant was engaged as Casual Mazdeer w.e.f. 1.7.88. As there was no work he was disengaged with effect from 31.10.89.

9. It is stated that the applicant being aggrieved with the earlier retrenchment order had filed OA 529 of 1990, which was disposed of on 7.8.92 with a direction to reengage the applicant in accordance with his seniority subject to availability of work. Accordingly, the applicant was reengaged in August, 1990 and was again disengaged w.e.f. 1.11.92 along with others--opposing the claims of the applicant--as there was no work. It is submitted that again the applicant was reengaged with effect from 1.3.94 and has been continuing since then.

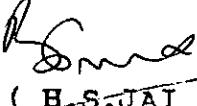
10. The applicant had filed M.A. 653/97 on 15.7.97, when the M.A. came up for hearing then the Learned Standing Counsel for the respondents submitted that the TDM has been advised to reengage the applicant and efforts are being made to re-engage him as soon as possible, at any rate within about 7 days.

11. It is now submitted by the Learned Counsel for the applicant that the applicant has been re-engaged by the respondents. He has been continuing as a Casual Mazdeer under the respondents.

12. The very fact that the respondents have re-engaged the applicant, clearly suggests that there is work in the respondent department.

13. The respondents shall not disengage the applicant so long as work in the department is available and further benefits--continuity of service, eligibility for temporary status and regularisation, for example--that may accrue to the applicant on such re-engagement shall be decided and determined as per rules and instructions at the appropriate time.

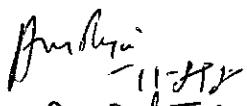
14. With the above direction the O.A. is disposed of.  
No costs.

  
( H.S.JAI PARAMESHWAR )  
S. 8.98 MEMBER (J)

  
( H. RAJENDRA PRASAD )  
MEMBER (A)

Dictated in open Court

Dated, the 5th August, 1998.

  
Deputy Registrar

CS

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)

The Hon'ble Mr. B. S. Jai Parameshwar, M(W).

DATED: 5 - 8 - 1998.

ORDER/JUDGMENT

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

in

O.A.No.

657/97

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.

