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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No. 1325/97

Date of Order: 7.10.97

BETWEEN:

A.Appa Rao

..Applicant.

AND

1. Secretary, Government of India,
Ministry of Agriculture, New Delhi.

2. The Director, Central Institute of
Fisheries, Nautical & Engineering
Training, Devan Road, Cochin.

3. The Deputy Director, Central Institute
of Fisheries, Nautical & Engineering
Training Unit, Post Box No.191,
Fishing Harbour, Viskhapatnam. ..Respondents.

— — —

Counsel for the Applicant ..Mr.K.S.R.Anjaneyulu

— Counsel for the Respondents ..Mr.N.R.Devraj

— — —

CORAM :

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

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

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J

JUDGEMENT

(As per Hon'ble Shri H.Rajendra Prasad, Member (Admn.))

Heard Mr.D.Subrahmanyam for Mr.K.S.R.Anjaneyulu, learned counsel for the applicant and Mr.N.R.Devraj, learned standing counsel for the respondents.

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2. The applicant was appointed as Watchman on casual and daily-rated basis in April 1997, and has been discharging duties attached to the said post, along with two others similarly engaged persons, ~~ever~~ since then. It submitted by the learned counsel for the applicant that Respondent No.3 has embarked on a process of discharging casual daily-rated watchmen soon after they complete six months of service and then to engage a fresh batch of Watchmen on the same basis. It is mentioned that one of the three existing watchmen has already been removed and the applicant himself apprehends that he is at the point of being disengaged on or after 17th October, 1997, soon after he completes six months of casual service under the respondent. It is also added that all three watchmen appointed in April, 1997, including the applicant, submitted a representation setting forth their grievances to a visiting senior official from the Ministry of Agriculture during August 1997. It is not known what decision, if any, has been taken by the Ministry and/or communicated to Respondent No.3.

3. It is the submission of the applicants that terminating one set of Employment Exchange-sponsored candidates merely to be replaced with another set of similarly sponsored candidates is an unfair and bad labour practice. We agree.

4. The OA is disposed with the following direction at the admission stage :-

(a) If the intention of the respondents in disengaging the applicant is merely to replace him with another identically-situated fresh candidate, the same shall not be done without service a proper notice and following the rules and process of natural justice.

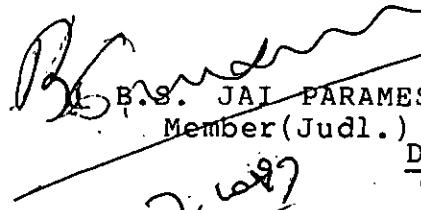
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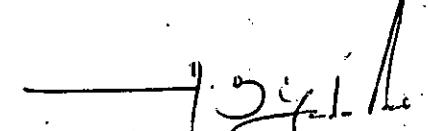
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(b) If the dis-engagement is for any other reason, the same shall have to be specifically spelt out and stated in a reasoned order. Oral termination or disengagement would not be acceptable.

(c) Ideally, a proper recruitment can be resorted to as per recruitment rules if such rules have been framed, to fillup permanent vacancies of Watchmen. If such a process is launched hereafter it is necessary to add that the experience gained by the candidates already engaged, including the applicant, shall be given due weightage in making selection to the posts.

5. Thus, the OA is disposed of. No costs.


B.G. JAI PARAMESHWAR)
Member (Judl.)


(H. RAJENDRA PRASAD)
Member (Admn.)

7.10.97
Dated : 7th October, 1997
(Dictated in Open Court)

sd


D.R. (3)

Copy to:

1. Secretary, Govt. of India, Min. of Agriculture,
New Delhi.
2. The Director, Central Institute of Fisheries,
Nautical Engineering Training, Sevan Road, Cochin.
3. The Deputy Director, Central Institute of Fisheries,
Nautical and Engineering Unit, Post Box No.191,
Fishing Harbour, Visakhapatnam.
4. One copy to Mr.K.S.R.Anjaneyulu,Advocate,CAT,Hyderabad.
5. One copy to Mr.N.R.Devraj,Sr.CGSO,CAT,Hyderabad.
6. One copy to D.R(A),CAT,Hyderabad.
7. One duplicate copy.

YLKR

15/10/97
cc by 9/10/97
1st court

TYPED BY
COMPARED BY

CHECKED BY
APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD

H. Rajendra Prasad
THE HON'BLE SHRI ~~RAJAGIRI~~ : M(A)

AND

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

Dated: 7/10/97

ORDER/JUDGMENT

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

in

O.A.NO. 1325/97

Admitted and Interim Directions
Issued.

Allowed

Disposed of with Directions

Dismissed

Dismissed as withdrawn

Dismissed for Default

Ordered/Rejected

No order as to costs.

YLR

II Court

केन्द्रीय प्रशासनिक अधिकरण Central Administrative Tribunal DESPATCH
13 OCT 1997
हैदराबाद आयोठ HYDERABAD BENCH