

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM

O. A. No. 422 of 1990
~~TX/XXM.~~

DATE OF DECISION 06 - 11 - 1990

K.K. Prabhu and three others Applicant (s)

M.R. Rajendran Nair Advocate for the Applicant (s)

Versus

The Sub Divisional Officer, Respondent (s)
Telegraphs, Cherthalai & 2 others

A.A. Abul Hassan, ACGSC Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. N.V. Krishnan, Administrative Member

The Hon'ble Mr. N. Dharmadan, Judicial Member

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *NO*
3. Whether their Lordships wish to see the fair copy of the Judgement? *NO*
4. To be circulated to all Benches of the Tribunal? *NO*

JUDGEMENT

Shri N. Dharmadan, Judicial Member

The only controversy now arising for consideration in this case pertains to the wages of the applicants for the months of April and five days in May (1989) 1990 *2*

2. According to the applicants they are approved Casual Mazdoors who commenced their services under the first respondent on 14-2-83, 5-3-1983, 26-8-83 and 14-2-84 respectively. They were given work under the respondents whenever work was available. They submitted that during the months of April and five days in the month of May ¹⁹⁹⁰ 1989 even though they presented themselves during the working hours before the first respondent and offered to work they were not given

work. On the other hand their juniors viz. S/Shri S. Murali T.M. Supradas and P. Muraleedharan were engaged for work during this period. The applicants filed this application with various prayers. But as indicated above they are pressing relief No.1 alone i.e. 'to give them wages for the period during which they were wrongfully denied employment'.

3. According to the applicants, other reliefs are granted to them in view of the statements in para 7 and 10 of the counter affidavit filed on behalf of the respondents in this case.

4. Regarding the claim of the applicants for wages for the period ~~for~~ April and five days in May, ¹⁹⁹⁰ ~~1989~~, the respondents have no case that they are not eligible for the same. They have not given any details to show that the applicants were not present in the establishment for work during April and five days in May ¹⁹⁹⁰ ~~1989~~ as stated by them in the application. What they have stated in the counter affidavit is that the applicants were approved Casual Mazdoors of Cherthalai Telephone Sub Division and their engagement for work in the Unit depends on the availability of work. It implies that if work was available in April and May they would have been engaged for casual works. But they had admitted in the reply that S/Shri Murali, Supradas and Muraleedharan, Casual Mazdoors were

given work during the aforesaid period based on the direction of this Tribunal in OAK 639/88, 258/89 and OA 112/89. These persons are admittedly the juniors of the applicants.

5. The applicants have filed a rejoinder giving further details of juniors namely S/Shri K.J. Joy, K. Babu T. Thomas, Ratheesh etc. who had ~~been engaged~~ by the first respondent in April and May ¹⁹⁹⁰ ~~1989~~ even without any directions from this Tribunal. Under these circumstances, it cannot be denied that work was available in April and May ¹⁹⁹⁰ ~~1989~~ so as to engage the applicant as Casual Mazdoors. Then the only question is whether the applicants ^{were} ~~presented~~ themselves before the establishment and offered to work. The applicants have clearly stated that they were available themselves for work before the respondents during the months April and May ¹⁹⁹⁰ ~~1989~~. There is no specific denial of this fact by the respondents in the reply. If the statement of the applicants is correct and if the work was granted to their juniors ^{denying their right to get work} ~~the claim of the applicants~~ for wages deserves consideration by the respondents.


6. Under these circumstances, we are of the view that this application can be disposed of with directions. Accordingly we dispose of the application with the direction

that the applicants may submit a joint representation before the first respondent giving the details of dates on which they were present themselves before the first respondent for work during the month of April and May ¹⁹⁹⁰ ~~1989~~ and the amounts due to them in this behalf. If [✓] such a representation is filed within a period of two weeks from today, it should be considered by the first respondent and if he is satisfied that they were present for work on those days and they are eligible for wages for the days in question and the same shall be paid to them within a period of two months from the date of receipt of such detailed representation from the applicants.

7. The Original Application is disposed of with the above directions.

We make no order as to costs.


(N. DHARMADAN)
Judicial Member


(N.V. KRISHNAN)
Administrative Member

6th November 1990

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