

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.425/99

Wednesday this the 1st day of September, 1999

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

HON'BLE MR. G. RAMAKRISHNAN, ADMINISTRATIVE MEMBER

D.Jayakumar
Remya Bhavan,
Thumarimuttam,
Pappanamcode.

...Applicant

(By Advocate Mr. Vishnu rep.Sasidharan)

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1. General Manager, Telecom District,
Trivandrum.
2. Chief General Manager,
Telecom, Kerala Circle, Trivandrum.
3. Sub Divisional Engineer Cables
Maintenance, Vellayambalam,
Trivandrum.
4. Sub Divisional Engineer, Telecom
(External) Chalai, Trivandrum.

...Respondents

(By Advocate Mr. M.R.Suresh)

The application having been heard on 1.9.99, the
Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN

The applicant, who claims to have rendered casual service under the respondents sporadically during 1982 ~~xxxxxxx~~ has filed this application challenging Annexure.A9 notice dated 12.1.99 issued by the Sub Divisional Engineer (External), Trivandrum inviting registration of piece work contractors on behalf of the President for laying 5 pair/10 pair telecom cables in the area of Sub Divisional Engineer, External, Chalai, Trivandrum Secondary Switching Area as also for a declaration that he is

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entitled to be included in the panel of casual mazdoors being prepared pursuant to A5 and direct the third respondent to consider his case accordingly.


2. It is alleged in the application that after he was last engaged in the year 1982 the applicant sustained an injury in an accident ^{in 1983} that thereafter he was not engaged, that coming to know of the notification issued in the year 1988 the applicant applied for ^{re-}engagement, that again pursuant to a notification issued in the year 1995 (A5) he made another representation for inclusion of his name in the register of casual labourers and that despite the fact that work is available, the respondents are resorting to engagement of contract labourers which is opposed to law relating to abolition of contract labour. It has also been alleged that the Tribunal has in its orders in O.A.1402/93 directed that to avoid arbitrariness in engagement of casual labourers a list of casual labourers who had rendered service in the past should be prepared and engagement should be made on that basis and that the respondents are deviating from the above directions also.

3. The respondents in their reply statement have contended that the application is hopelessly time barred as the applicant having been engaged for the last in the year 1982 as per his own averment in the application, he has no right to claim reengagement based on his alleged previous service. It has also been contended that this Tribunal had elaborately discussing the rights of casual labourers engaged in the past in O.A.1027/91 held that casual labourers who have not been heard for three years need not be considered for reengagement.

4. Having perused the pleadings on record and having given our anxious consideration to the arguments raised on behalf of the applicant and the respondents, we find no reason for entertaining this application. The claim of the applicant is stale. The applicant who was engaged for the last time even according to his own averment more than 16 years ago does not have any subsisting right to claim either reengagement or empanelment. The applicant has no locus standi to challenge the impugned order A9 since it is a presidential order ~~xxx~~ which has been issued for getting the emergent work done through the method permitted by law. Moreover, the Union of India has not been impleaded as a respondent in this case.

5. In the light of what is stated above, the application is without merits and the same is dismissed leaving the parties to bear their costs.

Dated the 1st day of September, 1999


G. RAMAKRISHNAN
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

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List of Annexures referred to in this order

1. **Annexure A5**: True copy of the notification issued by the 2nd respondent.
2. **Annexure A9**: True copy of the notification No.G.25/98-99/5 dated 12.1.99 issued by the 4th respondent.

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