

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A.No.432/93

Tuesday, this the 8th day of March, 1994.

SHRI N DHARMADAN, MEMBER(J)

SHRI S KASIPANDIAN, MEMBER(A)

R Balu,
S/o Raju, Aged 25 years,
Old Colony, RV Pudur,
Kozhikode (via),
Palghat P.O., Palghat Dist. - Applicant

By Advocate Mr MR Rajendran Nair

Vs.

1. Sub Divisional Officer,
Telegraphs, Palghat.
2. Chief General Manager,
Telecom,
Kerala Circle,
Trivandrum. - Respondents

By Advocate Mr CN Radhakrishnan, ACGSC

O R D E R

N DHARMADAN, MEMBER(J)

Applicant is a casual mazdoor, aggrieved by Annexure-I order, passed by the Sub Divisional Officer, Telegraph, Palghat rejecting his representation, pursuant to a direction of this Tribunal in an earlier case filed by him OA-1889/92.

2. When the earlier application came up for consideration, after advertizing to the allegation that the applicant worked under the first respondent during the year 1991-92 and hence he is eligible for reengagement, this Tribunal passed Annexure-III judgement directing the department to consider the representation and grant him work till the representation is disposed of. It is in pursuance of that direction that the impugned order at Annexure-I was passed on 15.2.1993. In

the said order, it has been stated that Shri R Velayudhan, Lineman has not engaged the applicant even for a single day during 1991-92 as claimed by the applicant in his representation. But according to them, on verification it was found that he was temporarily engaged as a casual mazdoor by Shri Lakshmanan, Cable Splicer from 30.5.1990 to 5.9.1990 only to assist him in the work of cable joining. The respondents have expressed their inability to include the applicant in the list of casual mazdoors for want of required prior service in his credit as certified by the competent authority.

3. The learned counsel for the applicant submitted that on the basis of the admitted service in the impugned order, the applicant is eligible for inclusion of his name in the register and issue of mazdoor card so as to enable him to get continuity of service as and when work is available.

4. The admission of the respondents in the order is not about certified service in the credit of the applicant. According to the respondents, Lineman has not engaged the applicant as a casual labour and the engagement of Lakshmanan, Cable Splicer was for specific work and for a definite period to assist him. However, there is no certificate. Since the applicant has not produced any record to satisfy us that the applicant has prior service under the first respondent so as to enable him to continue in the service, we are helpless and unable to give any relief as claimed by him. We are forced to reject this application. But the dismissal of the case will not stand in the way of the applicant in getting reengagement, if he satisfies the respondents that he had worked as a casual labourer by producing necessary documents in support of his earlier service. The learned counsel for the applicant submitted that he is even now continuing as casual employee on quotation basis under Shri

Kandamkutty, Lineman at Chittoor. If that is correct, the judgement shall not be treated as bar for the continuance of the present position.

5. With these observations, we close the O.A. No costs.

Dated, the 8th day of March, 1994.

St. Camy

(S KASIPANDIAN)
MEMBER(A)

Mr. Channan 8.3.94.

(N DHARMADAN)
MEMBER(J)

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