

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O. A. No. 436 of 1991  
T. A. No.

DATE OF DECISION 19-12-1991

B Sasikumar Applicant (s)

Mr KS Madhusoodanan Advocate for the Applicant (s)

Versus

Chief General Manager, Respondent (s)  
Telecommunications, Trivandrum & another

Mr George Joseph, ACGSC Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. SP Mukerji, Vice Chairman

&

The Hon'ble Mr. AV Haridasan, 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? *M*
4. To be circulated to all Benches of the Tribunal? *M*

JUDGEMENT

(Mr SP Mukerji, Vice Chairman)

In this application dated 14.3.1991 the applicant who has been working as a Casual Mazdoor under the Chief General Manager, Telecommunication, Kerala Circle between 1982 and 1984 has challenged the impugned order dated 5.2.1991 at Annexure-A3 in which his representation for further employment as Casual Mazdoor was rejected on the ground that he was not an "approved Casual Mazdoor". According to him, he is an SSLC pass qualified Casual Mazdoor with 618 days of <sup>Service</sup> ~~work~~ between 2.11.1982 to 31.7.1984 and that his services were wrongly terminated by a non-speaking order on the ground that he did not have any Mazdoor

Card, without giving him an opportunity to rebut the contention of non-approval of service.

2. The respondents have opposed the application on the ground that it is time barred as also on the ground that the applicant left casual service of his own. They have, however, conceded that according to the official register he has been "engaged by the 1st respondent from 2.11.82 to 31.1.84 as shown in Annexure-A1 i.e. against the applicants name in the attendance register a card No.167 is seen noted as if issued by S.D.O.T. Trivandrum."

3. We have heard the learned counsel for both the parties and gone through the documents carefully.

4. The respondents have conceded that the applicant has been in casual employment between 1.1.1983 to 31.12.1983 for as many as 356 days. Accordingly, the benefits of Section 25-F of the Industrial Disputes Act will amply <sup>be</sup> available to him.

It is not the respondents' case that he was discharged as a result of disciplinary proceedings. In that view, the impugned

order is ab initio void as it is in violation of <sup>25-F of the</sup> I.D.Act. For

the purposes of I.D.Act, it is not necessary that one should

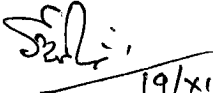
be an approved Casual Mazdoor with a card issued. Even the

fact of a mazdoor card seems to be established by the respondents

<sup>own showing</sup> in their counter, wherein they have stated that in the records

card No.167<sup>was</sup> seen to have been issued to him. Be that as it may,  
<sup>there</sup>  
~~and~~ since ~~it~~<sup>is</sup> is nothing to show that the applicant had voluntarily  
<sup>h</sup>  
abandoned the work, we allow the application, set aside the  
impugned order at Annexure-A3 and direct the respondents to  
reinstate the applicant in casual service as an approved mazdoor  
and grad<sup>e</sup>~~ing~~ him in the seniority list on the basis of his past  
<sup>h</sup>  
service as at Annexure-A1 and A2. Action on the above lines  
should be completed within a period of two months from the date  
of communication of this order. There is no order as to costs.

  
( AV HARIDASAN )  
JUDICIAL MEMBER

  
19/xii/91  
( SP MUKERJI )  
VICE CHAIRMAN

19-12-1991

trs