

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM

O. A. No.
~~XXXXXX~~

441

1991

DATE OF DECISION 22.3.91

K. Mohanan Applicant (s)

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

Versus

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

Mr. V. Krishna Kumar, ACGSC Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. S. P. Mukerji - Vice Chairman

and

The Hon'ble Mr. A. V. 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? Yes
4. To be circulated to all Benches of the Tribunal? Yes

JUDGEMENT

(Mr. S. P. Mukerji, Vice Chairman)

Heard the learned counsel for both the parties on this application in which the applicant, ^{who} according to him has been working as approved Casual Mazdoor continuously till 1981-82 and again between 1984-86, ^{has alleged that} he is being denied re-engagement while similarly situated Casual Mazdoors are being re-engaged. The applicant has prayed that the Sub Divisional Officer, Telegraphs, Shertallai be directed to re-engage the applicant and give him work in preference to his juniors and regularise him in his turn. He has also prayed that, he should be given wages during the period he was denied engagement while engaging his juniors. The learned counsel for the

applicant does not press for the second relief. From the records it appears that the applicant has since submitted a representation to the first respondent on 1.3.91, a copy is at Annexure-II in which he has prayed that, like one Shri K.M.Joseph who was a casual mazdoor and was re-engaged recently, he should also be given re-engagement.

2. In the conspectus of facts and circumstances, we feel that the interest of justice will be served if we direct the respondent 1 to dispose of the representation at Annexure-II within a period of one month from the date of receipt of this judgement after allowing the applicant to produce such relevant documentary and other evidences as he is willing to produce to establish his previous engagement. The respondents are also directed to make use of the departmental documents in order to ascertain casual engagement. The respondents should keep in view the fact that Shri K.M.Joseph a similarly situated casual mazdoor has since been re-instated on the basis of the direction of this Tribunal in OA ~~X~~-202/89 and there should not be any discrimination between the applicant and Shri Joseph. The applicant should on the basis of the decision taken on the representation, be considered for re-engagement at least with bottom seniority, if work is available and considered for regularisation in his turn. There is no order as to costs.


(A.V.HARIDASAN)
JUDICIAL MEMBER


(S.P.MUKERJI)
VICE CHAIRMAN

22.3.1991