

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.449/2001

Thursday this the 7th day of June, 2001

CORAM

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

HON'BLE MR. T.N.T. NAYAR, ADMINISTRATIVE MEMBER

C.K.Lakshmikutty W/o Mohandas,
Thuruparambil, Thiruvampady,
Pazhaveedu PO, Alleppey.

...Applicant

(By Advocate Mr.M.R.Rajendran Nair)

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1. The General Manager,
Bharath Sanchar Nigam Limited,
Alapuzha.

2. The Chief General Manager,
Bharat Sanchar Nigam Limited,
Kerala Circle, Trivandrum

3. Union of India represented by its
Secretary to Government of India,
Ministry of Communications,
New Delhi.

..Respondents

(By Advocate Mr.S.K.Balachandran,ACGSC)

The application having been heard on 7.6.01 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 has rendered 27 days of casual
service during the period from 1977 to 1979 and was not
engaged thereafter made a representation for reengagement
in April, 1994 pursuant to a notification issued by the
Chief General Manager, Telecom, Kerala Circle. In the
panel prepared on 10.3.99 the applicant's name was not
enlisted not showing any reason for non-inclusion.
Aggrieved by that the applicant has filed OA 278/2000 for

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setting aside the list directing the District Manager, Telecom, Alappay to consider the application of the applicant and pass appropriate orders. That application was disposed of setting aside Annexure.A4 therein and directing the respondents to consider the application of the applicant and pass appropriate orders within two months. The impugned order dated 26.9.2000 was issued by the Ist respondent rejecting the claim of the applicant on the ground that the claim has been put forth belatedly.

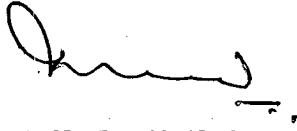
2. Aggrieved by that the applicant has filed this application seeking to have the impugned order set aside and for a direction to the respondents to incorporate the applicant's name in the approved list of casual mazdoors and give ~~her~~ work and wages in preference to freshers and juniors.

3. We have heard the learned counsel of the applicant and Shri S.K.Balachandran, learned counsel for the respondents. The applicant who claims to have rendered 27 days of casual service during 1977 to 1979 put forth her claim for reengagement more than 15 years of the last engagement. The Tribunal had in a batch of cases OA 1027/91 and connected cases considered the rights of erstwhile casual labourers and the obligation of the government to consider their claims for reengagement. It was held in ~~.....~~ that claims for reengagement from unapproved casual mazdoors beyond the period of three years of last engagement and in the case of approved casual mazdoors beyond the period of seven years from the last engagement need not be considered. The SLP filed against that order has been dismissed. Under these

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circumstances the impugned order of the respondents informing the applicant that the belated claim beyond three years for reengagement cannot be accepted is fully justified and cannot be faulted. In the light of what is stated above, we find nothing in this application which calls for further deliberation. Hence the application is dismissed leaving the parties to suffer their costs.

Dated the 7th day of June, 2001


T.N.T. NAYAR
ADMINISTRATIVE MEMBER


A.V. HARIDASAN
VICE CHAIRMAN

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