

केन्द्रीय प्रशासनिक अधिकरण . . . . . न्यायपीठ में  
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

आदेश पत्र  
ORDER SHEET

आवेदन सं० 19 का 471/2000  
ORIGINAL APPLICATION No. 471/2000

आवेदक  
Applicant(s) V. Balan

प्रत्यर्थी  
Respondent(s) 1101, Secretary, M/o. Commins.  
New Delhi and 2 others

आवेदक (आवेदको)  
की ओर से अधिवक्ता  
Advocate for  
Applicant(s) Mr. M.R. Rajanilram Nair

प्रत्यर्थी (प्रत्यर्थियों)  
की ओर से अधिवक्ता  
Advocate for  
Respondent(s)

रजिस्ट्री के टिप्पण  
Notes of the Registry

अधिकरण के आदेश  
Orders of the Tribunal

प्रस्तुतीकरण की तारीख : 27.4.2000  
Date of Presentation :

28.4.2000

पंजीकरण की तारीख : 27.4.2000  
Date of Registration :

Ms. Sabana for MRR Nair

Ms. Viji rep. PJ Philip

विषय : CRR.  
Subject : Emp. Enrolment

Heard. The application is admitted.

तेनाती की तारीख : 28.4.2000  
Date of posting :

Respondents shall file their reply statement within four weeks with a copy to the applicant, who may file rejoinder, if any, within two weeks thereafter. List before RC for completion of pleadings on 9.6.2000.

emp  
28/4 (V. Raveendran)

As regards the interim prayer is concerned, learned counsel appearing for the respondents submits that a copy of the panel prepared and published pursuant to the directions in OA 1402/93 in Palghat Sub Division. This undertaking is noted. Respondents shall produce the panel so prepared alongwith the reply statement.

AVH/VC

28.4.2000

s.

fo-di 28th issued  
Reply not filed

रजिस्ट्री के टिप्पण  
Notes of the Registry

अधिकरण के आदेश  
Orders of the Tribunal

RC

10.11.2000

None for the applicant.

Mr. MR Hariraj

~~Mr. MR Hariraj~~ *Now present*

On behalf of respondents,  
learned counsel seeks  
further time to file the  
reply statement. Time  
till 7.7.2000 is given,

Heard. Orders pronounced in open  
court.

Call on 7.7.2000.

10.11.2000

AVH/VC

9.6.2000

*Reply not filed-*

RC

. None for the applicant.

On behalf of respondents,  
learned counsel again  
seeks further time to file  
reply statement. Time  
till 31.7.2000 is given  
as last chance.

Call on 31.7.2000.

7.7.2000

*Reply statement  
filed on 19/7 returned  
for curing defects  
by 28/7/2000-*

*Reply re-presented  
on 27/7/2000.*

<p>रजिस्ट्री के टिप्पण Notes of the Registry</p>	<p>अधिकरण के आदेश Orders of the Tribunal</p>
<p><u>RC</u></p> <p>None for the applicant.</p> <p>Respondents' counsel present.</p> <p>Applicant is given once again time till 21.8.2000 to file rejoinder, if any.</p> <p>For completion of pleadings, call on 21.8.2000.</p> <p style="text-align: right;">31.7.2000</p> <p>Rejoinder not filed.</p> <p>85/18/8</p>	
<p><u>RC</u></p> <p>None for the applicant.</p> <p>Respondents' counsel represented by another counsel.</p> <p>Since the applicant has not filed any rejoinder in spite of the time given, the pleadings in this case are treated as complete and this case is deemed ready for final hearing.</p> <p style="text-align: right;">21.8.2000</p> <p>Final Order issued.</p> <p>20/8/2000</p>	

CENTRAL ADMINISTRATIVE TRIBUNAL  
ERNAKULAM BENCH

O.A.No.471/2000

Friday this the 10th day of November, 2000

CORAM

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

V.Balan, S/o Nayadi,  
aged 41 years,  
Kunnathutharathu House,  
Neduzhottu, Shornur.

...Applicant

(By Advocate Mr. M.R.Hariraj)

V.

1. Union of India represented by the  
Secretary to Government of India,  
Ministry of Communications,  
New Delhi.

2. The CGMT, Kerala Circle,  
Trivandrum.

3. Telecom District Manager,  
Palghat.

...Respondents

(By Advocate Mr. PJ Philip

The application having been heard on 10.11.2000, 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 was engaged under the Junior Engineer, Telecom, Shornur during 1978 approached the Tribunal in the year 1993 on the ground that he was not engaged for work. The said application was disposed of along with O.A.1402/93 and connected cases directing that a panel of casual mazdoors who had performed duties in the past may be prepared for reengagement. Though the applicant submitted his application for reengagement pursuant to the notification issued, he was not empanelled for engagement. Therefore, aggrieved by his non-inclusion in the panel for engagement the applicant

contd....

has filed this application for a declaration that non-engagement of the applicant as approved casual mazdoor is illegal and to direct the respondents to empanel the applicant as an approved casual mazdoor and to engage him for casual work on the basis of the placement in the panel.

2. The respondents in their reply statement contend that the applicant did not produce certificate issued by the Gazetted Officer for his prior engagement. Therefore, he had no claim for reengagement. They also contend that as the applicant had for the first time approached in the year 1993 for reengagement having been engaged only in the year 1978 his claim is barred by limitation and therefore he cannot be included in the panel for engagement.

3. After hearing the learned counsel of the applicant and perusing the pleadings and materials placed on record, I find that the action on the part of the respondents in not empanelling the applicant cannot be faulted for they have on the basis of the decision given by this Tribunal in O.A. 1027/91 and connected cases decided not to entertain applications from approved casual labourers for reengagement beyond a period of seven years and unapproved casual labourers beyond a period of three years. As the applicant had put forth his claim for reengagement only after a lapse of 15 years from the date of last engagement, the respondents cannot be faulted for not empanelling the applicant.

contd....



.3.

4. In the result, the application fails and the same is dismissed leaving the parties to bear their costs.

Dated the 10th day of November, 2000



A.V. HARIDASAN  
VICE CHAIRMAN

S.