

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A.No.478/98

Monday this the 8th day of June, 1998.

CORAM

HON'BLE MR. A.V. HARIDASAN, VICE CHAIRMAN
HON'BLE MR. S.K. GHOSAL, ADMINISTRATIVE MEMBER

K.Raveendran Nair,
S/o K.Krishnan N air,
residing at Krishna Nivas (Machinadu)
Peyad PO, Thiruvananthapuram.

...Applicant

(By Advocate Mr.Thaliyal R.Gopakumar)

Vs.

1. The Deputy General Manager,
Telecom District, Bharathiya Mansion Building,
Plamoodu, Thiruvananthapuram.4.
2. The Divisional Engineer, Administration,
Office of the Telecom District Manager,
East Fort, Thiruvananthapuram.23.
3. The General Manager,
Telecommunications, Kerala Circle,
Thiruvananthapuram.
4. The Union of India, represented by the
Secretary, Ministry of Telecommunications,
Telecommunications Department,
New Delhi.

...Respondents

(By Advocate Mr. MHJ David J ACG=SC)

The application having been heard on 8.6.98, the Tribunal
on the same day delivered the following:

O R D E R

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

The applicant submitted a representation to the first respondent pursuant to a notification issued by the first respondent on 26.9.88 inviting applications from persons who had rendered casual service before 1985 for the purpose of reengagement as Casual Mazdoors. As there was no response to this, the applicant alongwith 43 others filed O.A.39/89. This O.A. was disposed of directing the applicant and 43 other applicants to submit fresh applications to the first respondent within two weeks from the date of the order and with a direction to the first

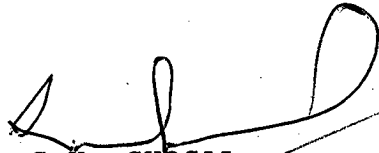
respondent that the said representations should be considered and disposed of. Alleging that the first respondent did not take any further action on the representations made by the applicants in O.A.39/89, they filed O.A.472/89 (Applicant was not a party to that OA). That application was disposed of with a direction ^{to} consider the representations within four months and to dispose them off. Alleging that the applicant appeared for an interview before the respondents on 30.12.89 pursuant to a memo received on 20.12.89 and that thereafter nothing was heard, the applicant has filed this application for a direction to the respondents to re-engage the applicant as casual mazdoor in the Department of Telecommunications and also for a direction to the respondents to consider and dispose of Annexure.A3 made by him on 30.11.97. It is also alleged in the application that some of the applicants in O.A.472/89 again approached the Tribunal by filing O.A.229/90, which was disposed of with a direction to the respondents to scrutinise their records and to take a decision and that against the order passed rejecting the claim of the applicants, again 36 out of 39 who had appeared in the interview dated 30.12.89 filed O.A.1177/90, which was eventually disposed of with a direction to the respondents that they should be reengaged atleast with bottom seniority, if work was available subject to their being physically fit and otherwise suitable for engagement. The claim of the applicant for reengagement alongwith the applicants in O.A.1177/90 has not been considered by the respondents and the applicant states that this has resulted in violation of the principles of equality enshrined in Articles 14 and 16 of the Constitution of India.

2. The respondents in their reply statemnt contest the claim of the applicant. They have contended that the applicant did not report for interview even though he was also invited. The notice sent to the applicant by registered post was returned with the endorsement 'left India', contend the respondents. As the applicant was not a party to any of the applications O.As 472/89, 229/90 or 1177/90 the applicant is not entitled to any relief, contend respondents. They also contend that as the applicant has come after a lapse of a long time and has not persuaded his remedy further, the application is liable to be dismissed on account of limitation.

3. On a careful scurinty of the pleadings in this case and on hearing the learned counsel on either side, we are of the considered view that the applicant is not entitled to put forth a claim at this belated stage. After filing O.A.39/89, the applicant has not persuaded his remedy. Though the applicant has in the rejoinder stated that he also attended the interview pursuant to the notice dated 20.12.89, which is denied by the respondents, the applicant has not been able to bring on record anything to establish that he did attend the interview. The case pleaded by the respondents that the applicant did not appear in the interview appears to be more convincing because the respondents have produced the postal receipt with an endorsement that the 'addressee left India'. Out of 39 persons who had appeared in the interview, 36 persons aggrieved by the order passed by the respondents had filed

the O.A. challenging that. The applicant if he was also aggrieved would normally have approached the Tribunal at the appropriate time. Therefore, the application is bereft of merit and is also barred by limitation. Hence the application is dismissed leaving the parties to bear their costs.

Dated the 8th day of June, 1998.



S.K. GHOSAL
ADMINISTRATIVE MEMBER



A.V. HARIDASAN
VICE CHAIRMAN

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LIST OF ANNEXURE

Annexure A3: Representation of applicant submitted
before the fourth respondent dated 30.11.97.

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