

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 50 of 1992.
~~KMXV6X~~

DATE OF DECISION 10.1.92

K.C. Hariharan Applicant (s)

Mr. K.S. Madhusoodhanan Advocate for the Applicant (s)

Versus

Zonal Director, Cochin Base Respondent (s)
Fishery Survey of India
and others

Mr. NN Sugunapalan through Advocate for the Respondent (s)
proxy counsel

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?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the Judgement?
4. To be circulated to all Benches of the Tribunal?

JUDGEMENT

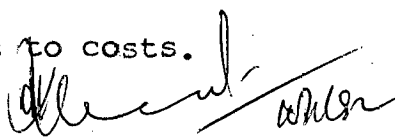
(Hon'ble Shri A.V. Haridasan, Judicial Member)

Heard Shri K.S. Madhusoodhanan, learned counsel for the applicant and Shri NN Sugunapalan, SCGSC for the respondents. The grievance of the applicant in this application is that though he has been working as a daily rated casual labour ever since 21.10.86 continuously, despite the fact that a post is available to absorb him in the regular cadre, the respondents are not caring to consider the question of his absorption. He is further aggrieved by the fact that other casual labourers many of them junior to him have been regularly absorbed in service. As there had been litigation between the applicant and the respondents regarding termination of ^{his services} which ended in his reinstatement, the applicant apprehends that the department is taking a

hostile attitude towards him because of this litigation. The applicant has a further grievance that ^{been} though he has ~~has~~ working continuously, the benefit of paid weekly off is denied to him without any justification. Highlighting all these grievances and praying for relief the applicant had made a representation to the first and second respondents on 16.11.1991, a copy of which is at Annexure.A.6. The applicant in this application prays that the respondents may be directed to grant him paid weekly off and to absorb him in regular service.

2. When the application came up for admission Shri NW Sugunapalan, Sr. Central Government Standing Counsel appearing for the respondents as well as the learned counsel for the applicant submitted that it would be sufficient and appropriate if the respondents 1&2 are directed to consider the Annexure.A.6 representation dated 16.11.1991 in accordance with law and to pass an order within a reasonable time.

3. In view of this submission and in the circumstances of the case we admit this application and dispose of the same directing the respondents 1&2 to ^{and dispose of} consider ~~the~~ representation submitted by the applicant on 16.11.92 as at Annexure.A.6 in the light of the departmental instructions, rules and regulations on the subject and also ^{of} the rulings of the Hon'ble Supreme Court and various High Courts in regard to regularisation of casual mazdoors and the benefits to be allowed to them, within a period of two months from the date of communication of this Judgment. There is no order as to costs.


(A.V. HARIDASAN)
JUDICIAL MEMBER


(S.P. MUKERJI)
VICE CHAIRMAN

10.1.91