

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. No. 507/99

Tuesday, this the 8th day of June, 1999.

CORAM:

HON'BLE MR AV HARIDASAN, VICE CHAIRMAN

Yesodharan.K.,
S/o. Kutty,
Thadathil Vadakkathil,
Thottumukkam P.O.,
South Mynagappally,
Kollam.

...Applicant

By Advocate Mr. M.R. Rajendran Nair

Vs.

1. The Chief General Manager,
Telecom, Kerala Circle,
Trivandrum.
2. Telecom District Manager,
Kollam.

...Respondents

By Advocate Mr. P.J. Philip, ACGSC

The application having been heard on 8.6.99, the
Tribunal on the same day delivered the following:

ORDER

HON'BLE MR AV HARIDASAN, VICE CHAIRMAN

The applicant who claims to have rendered 43 days of service as a casual mazdoor from 9.3.84 to 20.4.84 under the second respondent has filed this application for a declaration that he is eligible to be re-engaged as a casual workman and included in the list of approved casual mazdoors and for a direction to respondents to re-engage him and include his name in the list of approved casual mazdoors. It is alleged in the application that after his services were terminated in the year 1984, he made several representations claiming re-engagement but was informed by

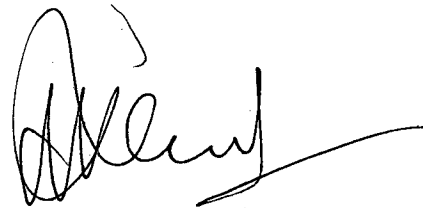
a letter dated 31.3.89 by the Divisional Officer, Telegraphs, Quilon that no new mazdoors were needed for work in that Sub Division. He was also informed by a letter dated 3.12.91, Annexure A-2, by the second respondent that his services were terminated as work was not available with them to engage him.

Coming to know about the notification which appeared in the Malayalam Newspapers on 27.2.95 calling for applications for re-engagement of casual mazdoors who were retrenched prior to 22.6.88, it appears that the applicant had made an application for re-engagement but it was rejected by A-3 order dated 4.5.95 as this application was received only on 1.5.95 after the expiry of the last date fixed for the receipt of such applications. The applicant allowed the matter to rest there and then he made another representation on 15.3.99 claiming re-engagement. Finding no response, the applicant has filed this application.

2. On a perusal of the application and annexures appended thereto and on hearing the learned counsel for the applicant as also the learned counsel for the respondents, I find that there is nothing in this case which needs admission and further deliberation. The applicant is making a claim for a declaration that he is entitled to be re-engaged on the basis of 43 days of casual service alleged to have rendered by him more than a decade ago. The applicant has not vigilantly putforth a claim for re-engagement, if he had one. Coming to know of a notification in Malayalam Newspapers dated 27.2.95, the applicant made an application but after the expiry of the last date fixed for the receipt of such applications. However, the claim made in the application was rejected by an order dated 4.5.95 at Annexure A-3. The applicant didnot challenge that order within one year. Therefore, as the claim of the applicant

for re-engagement was rejected way back in the year 1995, the present claim of the applicant is hopelessly barred by limitation. The application is therefore rejected under Section 19 (3) of the Administrative Tribunals Act, 1985.

Dated this the 8th day of June, 1999.



A.V. HARIDASAN
VICE CHAIRMAN

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LIST OF ANNEXURES REFERRED TO IN THE ORDER

1. Annexure A-2:

True copy of the letter dated 3.12.91 No.E.37/Cm/VII/185 issued by the Divisional Engineer (P&A), Office of the 2nd respondent.

2. Annexure A-3:

True copy of the letter dated 4.5.95 No.E-12/SST/95-96/1 issued by the Sub Divisional Officer, Telegraphs, Sasthamcotta.