

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No. 517
~~XXXXXX~~

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DATE OF DECISION 26-3-1992

Shri A.M. Viswambharan

Applicant (s)

Shri M.R. Rajendran Nair

Advocate for the Applicant (s)

Versus

The Senior Suptt., RMS 'EK'

Respondent (s)

Division, Kochi & 3 others

Shri K. Prabhakaran, ACGSC

Advocate for the Respondent (s)

CORAM :

The Hon'ble Mr. N.V. Krishnan - Administrative Member
&

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)

The applicant who has worked as E.D. Mailman and Casual Mazdoor intermittently during 1985-86 under the RMS, Irinjalakuda has filed this application under Section 19 of the Administrative Tribunals Act for a direction to the respondents to give him work as Casual Mazdoor/ED Mailman as and when work is available and in preference to any Casual Mazdoor who commenced service after 1985. It has been averred in the application that though he had during a period of 14 months been engaged for 202 days, at the instruction of Sub Record Officer, Shri Kunjumohamed who had personal enmity

towards the applicant's uncle, the applicant was kept deliberately out of employment while several fresh persons were continuously engaged. Highlighting this grievance, the applicant had made several representations to officers at various levels. Ultimately, to his dismay, he received the Annexure I reply dated 12.3.1991 from the 1st respondent stating that the fact that he had been engaged intermittently for a few days does not confer on him any right to claim continued employment and that as the list of Casual Mazdoors attached to SRO, Irinjalakuda, did not contain his name, he was not entitled to be re-engaged either as a Mazdoor or as an ED Mailman. It is aggrieved by this order that the applicant has filed this application. The respondents have filed a reply statement opposing the application. But when the application came up for final hearing, the learned counsel for the respondents fairly submitted that the application may be disposed of with a direction to include the applicant in the list of approved Casual Mazdoors at the bottom of that list and be given work as and when available in preference to anybody who has less length of casual service. The learned counsel for the applicant submitted that the applicant would be satisfied if the above relief is granted to him. In view of the above submission at the Bar, we dispose of the application with a direction to the 1st respondent to include the name of the applicant at the bottom of the list of approved Casual Mazdoors attached to the SRO, Irinjalakuda, and to give him work as and when available in preference to persons who have less length of casual service than him. Action as directed above should be completed within a period of one month from the date of communication of this order. There is no order as to costs.

(A. V. HARIDASAN)
JUDICIAL MEMBER

(N. V. KRISHNAN)
ADMINISTRATIVE MEMBER