

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM

O. A. No. 532/90
~~XXXXXX~~

189

DATE OF DECISION 17-1-1991

KS Dinasan Applicant (s)

Mr MR Rajendran Nair Advocate for the Applicant (s)

Versus

Union of India rep. by its Respondent (s)
Secretary, Ministry of Communications,
New Delhi and others.

Mr NN Sugunapalan, Sr CGSC Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. **NV Krishnan, Administrative Member**

The Hon'ble Mr. **N Dharmadan, Judicial Member**

1. Whether Reporters of local papers may be allowed to see the Judgement? *Yes*
2. To be referred to the Reporter or not? *No*
3. Whether their Lordships wish to see the fair copy of the Judgement? *No*
4. To be circulated to all Benches of the Tribunal? *No*

JUDGEMENT

Mr N Dharmadan, J.M

The applicant is aggrieved by the refusal of the respondents in engaging him as casual mazdoor and regularising him in the service.

2 Though this application has been filed under Section 19 of the Administrative Tribunals Act of 1985 with various prayers, at the time when the case came up for hearing to-day, Shri MR Rajendran Nair, the learned counsel for the applicant limited the prayer and submitted that his client would be satisfied with a direction to the respondents to include him *clerk* *2* as the last man in the approved seniority list of casual mazdoors maintained in the Sherthalai Sub Division as shown in Annexure-II with bottom seniority.


3 The learned counsel for the applicant submitted that ^{applicant is} ~~the~~ [^] was originally engaged as casual mazdoor for short spells in the year 1982 and thereafter, he was engaged only occasionally when work was available. The respondents are refusing to give him work from 1989. This is illegal.


4 In the counter affidavit filed in this case, the respondents have stated that because of the ban imposed in the matter of engagement of fresh casual mazdoors in the year 1985 as per Annexure-R1 proceedings, it is not possible for them to give the applicant any engagement in future. But it is admitted in the counter affidavit that after the engagement in 1982, he was given further work for a period of 31 days from 1.3.89 in spite of Annexure-R1 ban order. This shows the ban order was not made applicable in the case of the applicant. The ban order prohibits engagement of fresh ^{engagement of} ~~and~~ [^] new employees and not employees who were engaged previously.

5 We have heard the learned counsel of both side. Having heard this matter and after perusing the records, we are satisfied that it would be fair and proper to dispose of this application with a direction to Respondent-3 to include the applicant also in Annexure-II list of approved casual mazdoor in Sherthalai Sub Division as the last man in the bottom seniority with effect from the date on which the applicant has filed this application viz., 29.6.90 and give him work as and when work is

available in that division and regularise his services in accordance with law. This direction, it appears, would not cause any undue hardship to the respondents and it would meet the ends of justice. Accordingly, we issue the above directions.

6 The application is disposed of and there will be no order as to costs.


(N. Dharmadani)
Judicial Member 17.1.91


17.1.91
(NV. Krishnan)
Administrative Member

17-1-91