

CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O.A. NO. 546 OF 2000.

Monday this the 12th day of June 2000.

CORAM:

HON'BLE MR. A.M. SIVADAS, JUDICIAL MEMBER

K. Saseendran,
Kalankunnathu Veedu,
Mankjukadu, Shornur.

Applicant

(By Advocate Shri M.R. Rajendran Nair)

Vs.

1. Union of India represented by the
Secretary to Government of India,
Ministry of Communications,
New Delhi.
2. The Chief General Manager,
Telecom, Kerala Circle,
Thiruvananthapuram.
3. The General Manager, Telecom,
Palghat.
4. The General Manager, Telecom,
Malappuram.

Respondents

(By Advocate Shri N. Anilkumar, ACGSC)

(The application having been heard on 12th June 2000
the Tribunal on the same day delivered the following:

O R D E R

Applicant seeks to declare that he is entitled to be included in the panel of casual mazdoors and to direct the respondents to enlist the applicant as a casual mazdoor.


2. Applicant says that he worked as a Casual Mazdoor under the respondents in the year 1982. Aggrieved by the denial of work, he approached this Bench of the Tribunal by filing O.A. 1990/93 seeking re-engagement. That O.A. was disposed of with a direction to the respondents to prepare a

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panel of casual mazdoors from which persons may be chosen for re-engagement. Pursuant to the directions in O.A. 1402/93 and connected cases the respondents invited applications for empanelment. Applicant submitted his application in the prescribed form and the same was sent to Palghat which was to be sent to Malappuram. Realising the same he submitted another application. Though the last date of receipt of application was 30.4.95, the applications were not processed till 1999 due to the pendency of SLP against the order in O.A. 1402/93. Since the time of processing the applications was not over by that time, the applicant submitted second representation. The second representation ought to have been considered.

3. It is the admitted case of the applicant that he ought to have submitted the application on or before 30.4.95. Though the applicant says that he submitted the representation in the prescribed proforma addressed to Palghat, it is not known when it was sent and to whom it was addressed. No copy of the same is also produced. A-2 application is dated 16.11.98. Admittedly it is out of time. The applicant submits that non-consideration of his application solely on the ground that it was delayed, is arbitrary and unjust since applications were not processed till 1999 due to pendency of the SLP against the order in O.A. 1402/93. Filing of SLPs by the respondents cannot be a ground to get time extended for the applicant. The ground stated cannot be said to be an acceptable ground for

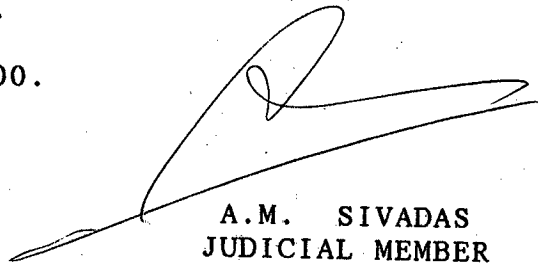
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non-submission of the application in time. That being so, the applicant is not entitled to any of the reliefs sought for.

4. Accordingly, I do not find any ground to admit the O.A. and the same is dismissed.

Dated the 12th June 2000.



A.M. SIVADAS
JUDICIAL MEMBER

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Annexure A2: True copy of the application dated 16.11.1998 submitted by the applicant.