

CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH

O.A.548/95, O.A.1024/95, O.A.1375/95, O.A.1486/95

O.A.1545/95, O.A.1548/95, O.A.84/96, O.A.97/96,

O.A.106/96, O.A.128/96, O.A.170/96, O.A.171/96,

O.A.207/96, O.A.208/96, O.A.238/96, O.A.267/96,

O.A.445/96, O.A.469/96, O.A.588/96, O.A.641/96,

O.A.703/96, O.A.870/96, O.A.910/96, O.A.922/96,

O.A.972/96, O.A.1308/96, O.A.1309/96, O.A.1310/96,

O.A.1312/96, O.A.107/97, & O.A.108/97.

Monday, this the 25th day of August, 1997.

CORAM:

HON'BLE MR AV HARIDASAN, VICE CHAIRMAN

HON'BLE MR SK GHOSAL, ADMINISTRATIVE MEMBER

O.A.548/95

Shahul.E.I.  
Edanakachalil,  
Kumbankallu, Todupuzha East.

- Applicant

By Advocate Mr MR Rajendran Nair

Vs

1. The Sub Divisional Engineer,  
Telegraphs, Thodupuzha.

2. The Divisional Engineer,  
Telegraphs, Tiruvalla.

3. The Chief General Manager,  
Telecom, Trivandrum. - Respondents

By Advocate Mr S Radhakrishnan, ACGSC

O.A.1024/95

N Saseendran,  
Kulathinte Kizhakke thil,  
Muthukulam South P.O.  
Alleppey.

- Applicant

By Advocate Mr P Ramakrishnan

Vs

1. Union of India represented by  
the Secretary, Ministry of  
Communications, New Delhi. - Respondents

2. The Sub Divisional Officer, Telegraphs, Kayamkulam.
3. The Sub Divisional Officer Phones (South), Alappuzha.
4. The District Manager, Telecom, Alappuzha. - Respondents

By Advocate Mr Varghese P Thomas, ACGSC

O.A.1375/95

P Sreedharan, residing at Palakkal, Parappangadi, Ex. Casual Mazdoor, Telephone Exchange, Parappangadi, Post Neduvu, Malappuram District. - Applicant

By Advocate Mr MR Rajendran Nair

Vs

1. The Sub Divisional Officer, Telecommunications, Tirur-1.
2. The Chief General Manager, Telecommunications, Kerala Circle, Trivandrum. - Respondents

By Advocate Mr S Radhakrishnan, ACGSC

O.A.1486/95

Pramada.S, Thaliparambil House, Manakodi, Trichur. - Applicant

By Advocate Mr P Ramakrishnan

Vs

1. The Chief General Manager, Telecom, Kerala Circle, Trivandrum.
2. The Executive Engineer, Telecom Civil Division, KSHB Building, 6th Floor, Cochin-682 016. - Respondents

By Advocate Mr TPM Ibrahim Khan, SCGSC

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O.A.1545/95

1. V.A.Ciriak,  
Vettiplakkayil,  
Kurichithanam,  
Uzhavoor(via), Kottayam.
2. Jolly Thomas,  
Tadathil, Mannakkanadu.P.O.  
Kuravilangad(via),  
Kottayam.
3. Sreenivasan.K.G.  
Karikkattathu House,  
Chiyakkadavu East P.O.  
Kanjirapally. - Applicants

By Advocate Mr MR Rajendran Nair

Vs

1. The Chief General Manager,  
Telecom, Kerala Circle,  
Trivandrum.
2. The Sub Divisional Engineer,  
(Phones), Kanjirapally.
3. The Sub Divisional Officer,  
Telephones, Palai. - Respondents

By Advocate Mr PR Ramachandra Menon, ACGSC

O.A.1548/95

Alexander George,  
Casual Labourer,  
Telephone Exchange,  
Kunnikkode. - Applicant

By Advocate Mr MR Rajendran Nair

Vs

1. The Sub Divisional Officer,  
Telegraphs, Punalur.
2. The Telecom District Manager,  
Kollam.
3. The Chief General Manager,  
Telecom, Kerala Circle,  
Trivandrum. - Respondents

By Advocate Mr James Kurian, ACGSC

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O.A.84/96

P.A.Thampi,  
Casual Mazdoor,  
Kottayam Telephone Exchange. - Applicant

By Advocate Mr MR Rajendran Nair

Vs

1. The Telecom District Manager,  
Kottayam.
2. The Sub Divisional Officer,  
Telephones, Kottayam.
3. The Chief General Manager,  
Telecom, Kerala Circle,  
Trivandrum. - Respondents

By Advocate Mr MHJ David J, ACGSC

O.A.97/96

A.G.Krishnan Kutty,  
Arakkal Vadakkathil,  
Chambakkara.P.O.  
Karukachal, Kottayam. - Applicant

By Advocate Mr MR Rajendran Nair

Vs

1. The Telecom District Manager,  
Kottayam.
2. The Chief General Manager,  
Telecommunications,  
Kerala Circle,  
Trivandrum. - Respondents

By Advocate Mr PR Ramachandra Menon, ACGSC

O.A.106/96

K Raveendran Nair,  
Kothakulangara,  
Vettuvani, Haripad. - Applicant

By Advocate Mr MR Rajendran Nair

Vs

1. The Telecom District Manager,  
Alleppey. - Respondents

2. The Chief General Manager,  
Telecommunications,  
Kerala Circle,  
Trivandrum. - Respondents

By Advocate Mr S Radhakrishnan, ACGSC

O.A.128/96

P.H.Babu Nazar,  
Puthuthoppil House,  
Elamakkara, Kochi-26. - Applicant

By Advocate Mr MR Rajendran Nair

Vs

1. The Sub Divisional Officer,  
Telegraphs, Alwaye.  
2. The General Manager,  
Telecom, Ernakulam.  
3. The Chief General Manager,  
Telecom, Kerala Circle,  
Trivandrum.  
4. Union of India represented by  
Secretary to Government of India,  
Ministry of Communications,  
New Delhi. - Respondents

By Advocate Mr George Joseph, ACGSC

O.A.170/96

A Kabeer,  
Athiparambu, Vellakkinar Ward,  
Alappuzha. - Applicant

By Advocate Mr MR Rajendran Nair

Vs

1. The Sub Divisional Engineer,  
Telegraphs, Alleppey.  
2. The General Manager,  
Telecom, Alleppey.  
3. The Chief General Manager,  
Telecom, Kerala Circle,  
Trivandrum.  
4. Union of India represented by  
Secretary to Government of India,  
Ministry of Communications,  
New Delhi. - Respondents

By Advocate Mr PR Ramachandra Menon, ACGSC

O.A.171/96

Thomas Abraham,  
Edakunnil,  
Kizhakkekara Puthen Veedu,  
Tholicode.P.O.  
Punaloor.

- Applicant

By Advocate Mr MR Rajendran Nair

Vs

1. The Sub Divisional Officer,  
Telegraphs, Punaloor.

2. The Chief General Manager,  
Telecom, Kerala Circle,  
Trivandrum. - Respondents

By Advocate Mr George Joseph, ACGSC

O.A.207/96

KR Sukumaran,  
Konnanath House,  
Vettikkatri.P.O.  
Cheruthuruthy(via).

- Applicant

By Advocate Mr MR Rajendran Nair

Vs

1. The Sub Divisional Officer,  
Telegraphs, Irinjalakuda.

2. The Telecom District Manager,  
Trichur.

3. The Chief General Manager,  
Telecom, Kerala Circle,  
Trivandrum. - Respondents

By Advocate Mr George Joseph, ACGSC

O.A.208/96

T Sadasivan Pillai,  
Inchakkottu Veedu, Alappad,  
Alumkadavu.P.O.  
Karunagapally.

- Applicant

By Advocate Mr MR Rajendran Nair

Vs

1. The Sub Divisional Officer,  
Telephones, Karunagapally.

2. The Chief General Manager, Telecom,  
Kerala Circle, Trivandrum. - Respondents

By Advocate Mr Mathews J Nedumpara, ACGSC

O.A.238/96

H Abdul Gafoor,  
Sheeman Purayidam,  
Zacharia Ward, Alappuzha-1. - Applicant

By Advocate Mr MR Rajendran Nair

Vs

1. The General Manager,  
Telecom, Alleppey.
2. The Chief General Manager,  
Telecom, Kerala Circle,  
Trivandrum.
3. Union of India represented by  
Secretary to Government of India,  
Ministry of Communications,  
New Delhi. - Respondents

By Advocate Mr S Radhakrishnan, ACGSC

O.A.267/96

P.D.Anilkumar,  
Padivattom,  
Edappally.P.O. - Applicant

By Advocate Mr MR Rajendran Nair

Vs

1. The General Manager,  
Telecom, Ernakulam.
2. The Chief General Manager,  
Telecom, Kerala Circle,  
Trivandrum.
3. Union of India represented by  
Secretary to Government of India,  
Ministry of Communications,  
New Delhi. - Respondents

By Advocate Mr James Kurian, ACGSC

O.A.445/96

1. Chandradasan,  
Pandaraparambil,  
Bolgatti,  
Mulavukadu.P.O.

2. Abdul Jabbar,  
Punnaparambil, Vazhakkala,  
Bharath Mata College.P.O.  
Cochin-21.

- Applicants

By Advocate Mr MR Rajendran Nair

Vs

1. The Chief General Manager, Telecommunications, Kerala Circle, Trivandrum.
2. The Sub Divisional Officer, Phones, Group Exchange, Ernakulam, Cochin-682 011.
3. The Divisional Engineer, Telegraphs, Ernakulam Cochin. - Respondents

By Advocate Mr MHJ David J, ACGSC

O.A.469/96

P.S.Sivan Pillai,  
Purayidathu Mannil,  
Theodickal-689 613.  
(Casual Mazdoor,  
Office of Sub Divisional Officer,  
Telegraph, Tiruvalla.) - Applicant

By Advocate Mr MR Rajendran Nair

Vs

1. The District Telecom Engineer, Office of the Telecom Engineer, Tiruvalla.
2. The Chief General Manager, Telecom, Kerala Circle, Trivandrum.
3. The Telecom District Manager, Tiruvalla. - Respondents

By Advocate Mr Varghese P Thomas, ACGSC

O.A.588/96

K.M.Abdul Kalam,  
Veluthedathu House,  
Thrlichattukulam.P.O. - Applicant

By Advocate Mr MR Rajendran Nair

Vs

1. The Sub Divisional Officer, Telegraphs, Alleppey. - Respondents

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2. The Chief General Manager,  
Telecom Kerala Circle,  
Trivandrum. - Respondents

By Advocate Mr PR Ramachandra Menon, ACGSC

O.A.641/96

T.N.Sudhan,  
Thamaraparambil House,  
Muppathadam.P.O.  
Aluva. - Applicant

By Advocate Mr MR Rajendran Nair

Vs

1. The Sub Divisional Engineer Phone  
(External), Kalamassery.  
2. The Chief General Manager,  
Telecom, Kerala Circle,  
Trivandrum. - Respondents

By Advocate Mr TR Ramachandran Nair, ACGSC

O.A.703/96

T.K.Udayasankar,  
Nharacoil Madom,  
Naduvath.P.O.  
Wandoor via,  
Malappuram District. - Applicant

By Advocate Mr MR Rajendran Nair

Vs

1. The General Manager,  
Telecom,  
Catholic Centre Building,  
Broadway, Ernakulam.  
2. The Chief General Manager,  
Telecom, Kerala Circle,  
Trivandrum. - Respondents

By Advocate Mr TPM Ibrahim Khan, SCGSC

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O.A.870/96

R Vasudevan Pillai,  
Edsseriath Kizhekkethil,  
Venmony.P.O.  
Changannur.

- Applicant

By Advocate Mr MR Rajendran Nair

Vs

1. The Chief General Manager,  
Telecom, Kerala Circle,  
Trivandrum.
2. Sub Divisional Officer,  
Telegraphs, Mavelikkara. - Respondents

By Advocate Mr Varghese P Thomas, ACGSC

O.A.910/96

M.K.D ivakaran,  
Mullath House,  
Chittanjur.P.O.  
Trichur District.

- Applicant

By Advocate Mr MR Rajendran Nair

Vs

1. The Sub Divisional Officer,  
Telegraphs, Trichur.
2. The Telecom District Manager,  
Trichur.
3. The Chief General Manager,  
Department of Telecom,  
Kerala Circle,  
Trivandrum. - Respondents

By Advocate Mr TPM Ibrahim Khan, SCGSC

O.A.922/96

Sanalkumar.V  
Thenguvila Veedu,  
Areeplachy.P.O. Mavila,  
Punaloor via, Quilon. - Applicant

By Advocate Mr MR Rajendran Nair

Vs

1. General Manager, Telecom,  
Ernakulam. - Respondents

2. Chief General Manager,  
Telecom, Kerala Circle,  
Trivandrum.
3. Union of India represented by  
Secretary to Government of India,  
Ministry of Communication,  
New Delhi. - Respondents

By Advocate Mr Mathews J Nedumpara, ACGSC

O.A.972/96

1. PC Gopalakrishnan,  
10/617, Amaravathy,  
Cochin-1.
2. P.A. Immanuvel,  
Padinjarevaestil, 15/1685,  
Vazereth, Cochin-2.
3. R Venu,  
10/640, Amaravathi,  
Cochin-1. - Applicants

By Advocate Mr MR Rajendran Nair

Vs

1. The Chief General Manager,  
Telecom, Kerala Circle,  
Trivandrum.
2. The General Manager,  
Telecom, Ernakulam. - Respondents

By Advocate Mr George Joseph, ACGSC

O.A.1308/96

T.B.Prasad,  
Thampuranthara House,  
Thazhathangady,  
Kottayam. - Applicant

By Advocate Mr MR Rajendran Nair

Vs

1. Telecom District Manager,  
Kottayam.
2. General Manager(Telecom),  
Kottayam Telecom Centre,  
Kottayam-1.
3. Union of India represented by its  
Secretary to the Government,  
Ministry of Telecommunication,  
New Delhi. - Respondents

By Advocate Mr S Radhakrishnan, ACGSC

O.A.1309/96

S Udaya Krishnan,  
Mundankandath House,  
Kottekad P.O.  
Palghat.

- Applicant

By Advocate Mr MR Rajendran Nair

Vs

1. Sub Divisional Engineer,  
Co-Axial Cable Project,  
Ernakulam-682 016.
2. General Manager(Telecom),  
Kottayam Telecom Centre,  
Kottayam-1.
3. Union of India represented by  
Secretary to Government of India,  
Ministry of Telecommunication,  
New Delhi. - Respondents

By Advocate Mr Mathews J Nedumpara, ACGSC

O.A.1310/96

KK Prasad,  
Ratannayil, Kadephagam,  
Pallurithy, Kochi-16.

- Applicant

By Advocate Mr MR Rajendran Nair

Vs

1. General Manager,  
Telecom, Ernakulam.
2. Chief General Manager,  
Kerala Circle, Trivandrum.
3. Union of India represented by  
Secretary to Government,  
Ministry of Communications,  
New Delhi. - Respondents

By Advocate Mr MHJ David.J, ACGSC

O.A.1312/96

M.B.Prakasam,  
Madhuram Parambil, Uadame.P.O.  
Chalakudy via.

- Applicant

By Advocate Mr MR Rajendran Nair

Vs

1. Sub Divisional Engineer,  
Air Conditioning and Power Plant,  
PKV Building,  
Department of Telecom,  
Ernakulam, Cochin-11.
2. The Chief General Manager,  
Telecom, Kerala Circle,  
Trivandrum. - Respondents

By Advocate Mr TR Ramachandran Nair, ACGSC

O.A.106/97

MP Jude,  
XI/486, Near ESI Hospital,  
Mudavathil, Pattalam Road,  
Kochi-1. - Applicant

By Advocate Mr MR Rajendran Nair

Vs

1. General Manager,  
Telecom, Ernakulam.
2. Union of India represented by its  
Secretary to Government,  
Ministry of Communication,  
New Delhi. - Respondents

By Advocate Mr James Kurian, ACGSC

O.A.108/97

VJ Kunju,  
Valayil, Kumarakom,  
Kottayam. - Applicant

By Advocate Mr MR Rajendran Nair

Vs

1. The Sub Divisional Officer,  
Telegraphs, Kottayam.
2. The General Manager,  
Telecom, Kerala Circle,  
Trivandrum.
3. Union of India represented by  
Secretary to Government of India,  
Ministry of Communications,  
New Delhi. - Respondents

By Advocate Mr James Kurian, ACGSC

The applications having been heard on 25.8.96 the Tribunal on the same day delivered the following:

O R D E R

HON'BLE MR AV HARIDASAN, VICE CHAIRMAN

The facts and the question of law involved in all these cases are similar in character. Hence they were heard and disposed of by this common order.

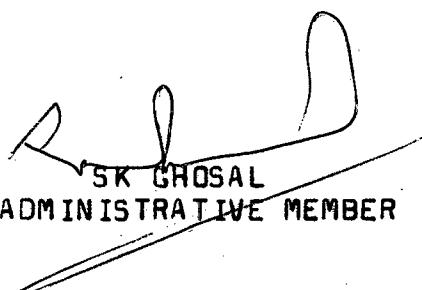
2. The applicants in all these cases are persons who have rendered casual service under the Telecom Department of the Kerala Circle for various periods but now remaining disengaged. They have filed these applications for a declaration that they are entitled to get work and wages as casual mazdoors and for a direction to the respondents to engage the applicants for work subject to availability of work on the basis of their prior service. They have placed reliance on a ruling of this Tribunal in O.A.1402/93 rendered under similar circumstances.

3. The respondents resist their claim on various grounds including the ground of limitation. When the matters came up for hearing today, learned counsel on either side agreed that Special Leave has been granted against the order in O.A.1402/93 in SLP No.19036/93 and as the operation of the order of this Tribunal has been stayed, all these applications may be disposed of with a direction to the respondents in these cases that depending on the decision of the Hon'ble Supreme Court if the respondents are to prepare a list of casual

labourers, the claim of the individual applicants put forth in each of these applications shall be considered by the respondents and speaking orders given to them.

4. In the light of what is stated by the learned counsel, these applications are disposed of without entering into the merits of the cases with a direction to the respondents that if the respondents are to prepare a list of casual labourers consequent on the decision of the Tribunal in O.A.1402/93 as a result of the decision of the Supreme Court in the appeal against the judgement, the respondents shall consider the claims of the applicants in all these cases separately for re-engagement and shall give them a speaking order each. No costs.

Dated, the 25th August, 1997.

  
SK GHOSAL  
ADMINISTRATIVE MEMBER

  
AV HARIDASAN  
VICE CHAIRMAN

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