

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O. A. No.
~~XXXXXX~~

555 of 1990.

DATE OF DECISION 30.9.91

G. Gopi

Applicant (s)

M/s CP Ravindranath and

Advocate for the Applicant (s)

E.M.Joseph

Versus

Union of India represented
by Secretary, Ministry of Information
and Broadcasting New Delhi and others

Mr. NN Sugunapalan, SCGSC

Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. S.P.Mukerji - Vice Chairman

and

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 Mr.S.P.Mukerji, Vice Chairman)

In this application dated 6.7.1990 under Section 19 of the Administrative Tribunals Act, the applicant who is a member of the Scheduled Caste and has been working as Gardener (Mali) on casual basis at the Trivandrum Station of the All India Radio has challenged the termination of his services as Gardener and prayed that the respondents be directed to reinstate him in service and to regularise him as Gardener from the date of his initial appointment. According to the applicant he was engaged as a casual labour at the Trivandrum Station of the All India Radio for 380 days during the calender years between 1985-88. On 17.3.1988 his

services were suddenly terminated. He represented on 26.9.88 (Annexure-A) but his claim was rejected by the respondent No.2 by the communication dated 6.7.89 at Annexure-B on the ground that he had not put in 240 days of casual service in any year and that he was over-aged. The applicant has challenged the termination of his services as violative of Articles 14 and 16 of the Constitution and ^{the} Industrial Disputes (Central) Rules, 1957 and that he is entitled to relaxation of age being a member of the Scheduled Caste.

2. In the counter affidavit the respondents have stated that contrary to the averment made by the applicant he was not engaged at all during 1985. He did not produce any evidence to that effect either, that he was engaged only for 40 days in 1986 instead of 120 days as claimed by him. Having conceded that he was engaged for 190 days in 1987 ^{they have} ~~but~~ denied his engagement for any work during 1988. They have further stated that the applicant was over-aged even by the relaxed standards at the time of his initial engagement which was not through the Employment Exchange.

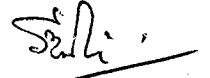
3. In the rejoinder the applicant has stated that he was engaged for 132 days during 1986, 190 days during 1987 and till 17.3.88 during the calender year 1988. Thus his total period of engagement comes to 392 days. He has argued that apart from the age relaxation of five years to which he is entitled as a Scheduled Caste candidate the respondents should have given him the age allowance for the casual service rendered till 1988.

4. We have heard the arguments of the learned

counsel for both the parties and gone through the documents carefully. The learned counsel for the applicant conceded that even by the relaxation and making allowance for the casual service, the applicant would be over-aged by a few days ie., 29 days if his casual service is taken to be 380 days or 17 days if his casual service is taken to be 392 days. It is also not disputed that he was not sponsored by the Employment Exchange at the time of his initial recruitment. It is also not disputed that the applicant had not put in 240 days of casual service in any period of 12 months.

5. In the circumstances, we see no force in the application and dismiss the same without any order as to costs.


(A.V. HARIDASAN)
JUDICIAL MEMBER


(S.P. MUKERJI)
VICE CHAIRMAN

30.9.91

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