

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

OA No. 591 of 1999

Monday, this the 4th day of September, 2000

CORAM

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

1. M.L. Raman, S/o Lakshmanan,
residing at Manakaparambil House,
Cheranelloor PO, Cochin-34
Casual Mazdoor, Office of the
Assistant Engineer (Cables),
Ernakulam. ...Applicant

By Advocate Mr. M.R. Rajendran Nair

Versus

1. The General Manager,
Telecommunications, Ernakulam.
2. The Assistant Engineer, Office of the
General Manager, Telecommunications,
Ernakulam.
3. The Chief General Manager, Telecom,
Kerala Circle, Trivandrum.
4. Union of India, represented by the
Secretary to Government,
Ministry of Communications,
New Delhi. ...Respondents

By Advocate Mr. N. Anilkumar, ACGSC

The application having been heard on 4th September, 2000,
the Tribunal on the same day delivered the following:

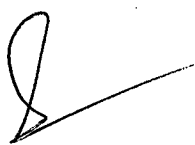
O R D E R

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

The applicant seeks to quash A8 and A9, to declare that he is entitled to be empanelled as an approved mazdoor of the Telecom Department and to direct the respondents to empanel him as an approved casual labourer and to engage him for casual work.

2. When the OA was taken up for hearing, the learned counsel appearing for the applicant submitted that the relief sought to quash A9 may be left open.

...2.



3. Now the question is only with regard to the quashing of A8. A8 says that the applicant is not included in the list of empanelled casual mazdoors.

4. In the OA, it is stated that respondents in the reply statement in OA 1573/95 filed by the same applicant admitted that the applicant's name has been empanelled in Ernakulam Secondary Switching Area, but this by itself does not confer any vested right to the applicant for being engaged regularly in the department. In the first reply statement filed by the respondents, it is stated that after disposal of SLP No. 19036/93 by the Apex Court a committee was constituted to scrutinise the applications and the committee found that the applicant is not eligible for re-engagement as he had represented for re-engagement after more than seven and half years from the date of his last engagement. In the additional reply statement, it is stated that what is stated in the reply statement in OA 1573/95 is not factually correct.

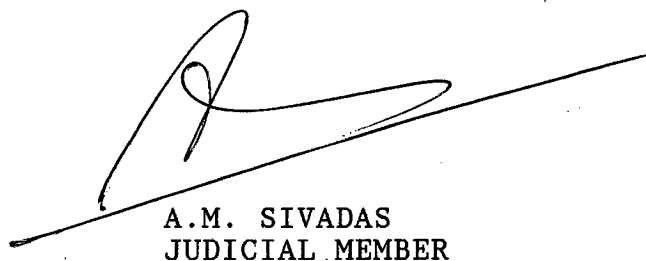
5. Now the position seems to be that the applicant was once empanelled, but subsequently after the disposal of SLP No. 19036/95 by the Apex Court, the committee constituted for scrutinising all the applications received for empanelment found the applicant not eligible and that took place after the filing of the reply statement in OA 1573/95. This will show that once the applicant was empanelled, but on review his name was removed from the list of casual mazdoors empanelled later. The learned counsel appearing for the applicant submitted that removal of the applicant's name from the list of empanelled casual mazdoors was done behind his back and in gross violation of the principles of natural justice. There is no material to show that the respondents gave an opportunity to the applicant

of being heard before removing his name from the list of empanelled casual mazdoors. Removing him from the list of empanelled casual mazdoors without being given an opportunity of being heard is in total violation of the principles of natural justice. That being so, A8 is liable to be quashed.

6. Accordingly, A8 is quashed. It is made clear that this will not stand in the way of respondents in proceeding against the applicant strictly in accordance with the rules in force and in strict compliance with the principles of natural justice.

7. The Original Application is disposed of as above. No costs.

Monday, this the 4th day of September, 2000



A.M. SIVADAS
JUDICIAL MEMBER

ak.

List of Annexures referred to in this Order:

1. A8 True copy of the letter No. Admn-7/EK-240/Emp-95 dated nil issued by the Principal General Manager, Telecom, Ernakulam to the applicant.
2. A9 True copy of the letter No. ST-11/28-Genn/94 dated 12-3-1999 issued by the 3rd respondent.