

# IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O. A. No. 600/92 199

DATE OF DECISION 27.5.93

Mr. M. L. Raman Applicant (s)

M. R. Rajendran Nair Advocate for the Applicant (s)

Versus

The General Manager, Telecommunications, Ernakulam & 3 others Respondent (s)

Mr. Mathew J. Nedumpara, ACGSC Advocate for the Respondent (s)

## CORAM :

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

The Hon'ble Mr. R. Rangarajan, Administrative 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

N. Dharmadan, JM

The applicant is aggrieved by the refusal of the 1st respondent to re-engage him as casual mazdoor inspite of availability of sufficient work under him.

2. According to the applicant, he commenced his service as casual mazdoor under the 2nd respondent on 1.10.81. He worked under various muster rolls till 1.11.82. for a period of 357 days. Thereafter the applicant was denied work on the ground that he is not an approved mazdoor. The applicant filed OA 516/88 for a direction to re-engage him under Respondents 1 & 2. This application was closed making it clear that the observations and findings in the judgement would not preclude

the applicant from making representation to the concerned authority for getting the benefit of re-engagement and regularisation. Accordingly he filed a representation, (Annexure-III) on 1.5.90. After receipt of the representation the applicant was engaged on bills by the second respondent. He is now continuing in that position. He has also produced Annexure-IV medical certificate for condonation of break in service from 1.12.82 to 13.11.89. That certificate and the request thereof were not considered by the authorities. Hence he has filed this application under section 19 of the Administrative Tribunals Act, 1985.

3. The respondents have admitted the applicant's past service from 1.10.81 to 30.11.82 but nothing has been stated about the subsequent engagement of the applicant in 1990 on bills. The respondents have not denied specifically the averment of the applicant in para 6 of the OA.

4. However, we do not consider this contention at this stage for, we have decided to dispose of the application with appropriate directions in the interest of justice.

5. It would be fair and proper to direct the third respondent to consider the claim of the applicant for regular engagement and regularisation in service in the light of the decision of this Tribunal and the Supreme Court and other courts. Accordingly, with the aforesaid direction we dispose of this application without costs. Till a decision is taken in terms of the directions, the present position regarding engagement of the applicant has to be continued.

  
(R. Rangarajan)  
Administrative Member

  
27.5.93  
(N. Dharmadany)  
Judicial Member