

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.A. No. 620/90
XXXXXX

199

DATE OF DECISION 17-4-1991

P Balakrishna Pillai _____ Applicant (s)

Mr MR Rajendran Nair _____ Advocate for the Applicant (s)

Versus

The Sub Divisional Officer, Respondent (s)
Telegraphs, Alleppey-1 & another

Mr George Joseph, ACGSC _____ Advocate for the Respondent (s)

CORAM:

The Hon'ble Mr. NV Krishnan, Administrative Member

The Hon'ble Mr. N Dharmadan, 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

Shri N Dharmadan, J.M

The applicant is aggrieved by the denial of work and wages to him by Respondent-1.

2 The applicant submitted that he commenced his service as casual mazdoor under Respondent-1 on 24.2.81. His name was also included in the Muster Roll kept by Respondent-1. He further submitted that he worked on ACG 17 Bills till 1985 under Respondent-1. Thereafter, when he was denied employment as casual mazdoor, he submitted a representation on 7.10.90 and filed this application for a direction to the respondents to give work and wages as casual mazdoor.

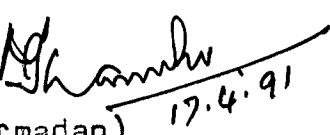
3 The respondents have filed a detailed counter affidavit wherein it has been admitted that the applicant had worked for 35 days under Respondent-1 in connection with specific work available under him, but they have denied the statement that the applicant was engaged in 1985 on Bill basis. The respondents

admitted that the applicant submitted a representation and stated that it was not possible for them to verify the statement in the representation\$ because the earlier documents pertaining to the years 1980 to 1985 were not available. Hence he was directed by the respondents to produce the original documents for perusal and verification of the statements in the representation. However, the applicant did not produce any such document for verification. Hence they have not passed any orders on his representation\$.

4. Having heard the matter and after perusing the documents we are of the view that the applicant's prior engagement for atleast a short term has been admitted by the respondents ^{hence us} ~~and~~ with regard to the claim of the applicant that he worked under the 1st respondent from 1981 to 1985 ~~which~~ ² requires further verification with reference to available documents. The applicant submits that if he is given some opportunity he would file documents and prove his past service. In the light of these statements, we feel that justice would be met in this case if the applicant is directed to submit a fresh representation with all original documents to establish his previous engagements by ~~Respondent~~ ^{who may be} Respondent-1, and dispose of it in accordance with law. Accordingly, having regard to the facts and circumstances of the case we direct the applicant to file a detailed representation stating all the facts regarding his previous employment under Respondent-1 which will be submitted by him before Respondent-1 within a period of 2 weeks from the date of receipt of a copy of this judgment. He shall also produce alongwith the representation all documents in his possession to establish his previous engagement. If the applicant submits such a representation with all the supporting documents as directed above, the Respondent-1 shall

consider and dispose of the same in accordance with law taking into consideration the observations made in the judgment at Annexure R1 produced alongwith the counter affidavit. This shall be done by Respondent-1 within one month from the date of receipt of the representation. Till the representation is disposed of as above, the applicant shall be considered for engagement for work as and when work is available under Respondent-1 alongwith freshers.

5 The application is disposed of as above and there will be no order as to costs.


(N Dharmadan)

Judicial Member

17.4.91


(NV Krishnan)

Administrative Member

17-4-1991