

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL

ERNAKULAM BENCH

O. A. No. 71 1992.

DATE OF DECISION 12.2.93

Muraleedharan O Applicant (s)

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

Versus

The Sub Divisional Officer, Respondent (s)
Telegraphs, Tellicherry and others

Mr. T.P.M. Ibrahimkhan, ACGS C 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? Y
2. To be referred to the Reporter or not? LO
3. Whether their Lordships wish to see the fair copy of the Judgement? AO
4. To be circulated to all Benches of the Tribunal? AO

JUDGEMENT

MR. N. DHARMADAN JUDICIAL MEMBER

The applicant is a casual mazdoor working under the Sub Divisional Officer, Telegraphs, Tellicherry. He is aggrieved by the refusal by the respondents to grant him regularisation in service on the basis of his prior service in the Department.

2. According to the applicant, he commenced service as casual mazdoor on 23.9.88. In the year 1988 he worked for 74 days and in the year 1989 for 284 days. He also worked for 258 days in the year 1990 and for 111 days in the year 1991. According to the applicant he has worked for 727 days. is to be counted for giving re-engagement. The service from 23.9.88 to 1991, Annexure-I is the certificate produced by the applicant in support of his case. Thereafter, the applicant submitted representation Anxx.II before the first respondent with copy to the second respondent.

In that representation he has stated that/has prior service upto 20.11.91 and on that basis he is entitled to be included in the list of approved casual mazdoors and regularisation considering the number of days of work in his grade. The said representation though filed on 13.12.91 has not so far been disposed of by the first respondent.

3. Respondents have filed reply and contended that the applicant is not entitled to regularisation. The applicant does not come under the scheme of the Department to regularise all mazdoors who commenced work before 30.3.85 and casual labours engaged after 30.3.85 are not entitled to any relief.

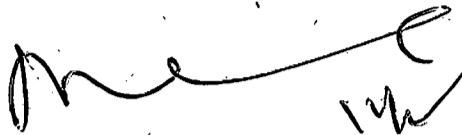
4. The learned counsel for the applicant during the course of argument submitted that there are orders issued by the Department to the effect that persons engaged even after 30.3.85 are given engagement and regularisation in service irrespective of the fact that they have been engaged through Employment Exchange or not as a one-time measure.

5. Since the very question regarding the eligibility of the casual mazdoor card and consequential consideration for regularisation is pending before the first respondent in the representation submitted by the applicant, we are not expressing any final opinion on this application. It is for the first respondent to consider and dispose of the representation in accordance with law. Accordingly, we are satisfied that interest of justice will be met in this case if we dispose of the application with direction to the respondents.

6. In this view of the matter, we dispose of the application by directing the first respondent to consider and dispose of Annexure-II representation dated 13.12.91 in accordance with law, as expeditiously as possible,

at any rate within a period of two months from the date of receipt of a copy of this judgment.

7. There will be no order as to costs.



(R. RANGARAJAN)
ADMINISTRATIVE MEMBER

12.2.93

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(N. DHARMADAN)
JUDICIAL MEMBER