

**CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH**

O.A.NO.95/09

THURSDAY, this, the 11th day of February, 2010

CORAM:

HON'BLE SRI K.GEORGE JOSEPH, MEMBER(A)

K.R.Raghavan,
Casual Mazdoor,
Office of the Sub-divisional Officer (Telecom)
Koothattukulam (residing at Kurungazha House,
Near Bhagavathy temple, Koothattukulam-686 662.

..Applicant

By Advocate:Mr.S.Madhavan Nair

vs.

1. Union of India represented by
Secretary to Govt. of India,
Ministry of Communications, New Delhi.
2. Chief General Manager,
Kerala Telecom Circle,
Trivandrum-695 033.
3. Addl.General Manager(Administration)
Office of the General Manager,
Telecom district, Ernakulam-686 031.
4. Divisional Engineer(Telecom)
Muvattupuzha-686 661.
5. Sub-divisional Officer(Telephones)
Moovattupuzha, Ernakulam.

... Respondents

By Advocate:Mrs. Jisha for Mr.Sunil Jacob Jose, SCGSC(R-1)
Mr. Johnson Gomez(R2-5)

The application having been heard on 04.02.2010,the Tribunal on

11.2.10 delivered the following:-

ORDER

HON'BLE MR.K.GEORGE JOSEPH, MEMBER(A):


This O.A. is filed seeking a direction to regularize the applicant in service from

the date on which his immediate junior was regularised and to pay the consequential benefits and also a direction to pay the difference between the notified minimum wages and the wages paid to the applicant.

2. The applicant was provisionally selected as Mazdoor was issued an identity card. He was directed to contact Muvattupuzha Sub Division for engagement as Mazdoor. The persons who were engaged as Casual Mazdoor along with the applicant have been regularly absorbed in service on completion of 10 years ignoring the claim of the applicant. Hence the O.A.

3. The applicant contends that he joined as Casual Mazdoor on 22.3.1982. On completion of 10 years in 1992 he should have been regularised. He being a member of Scheduled Caste is being discriminated.

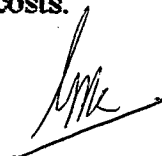
4. The respondents contested the O.A. The applicant has been given an identity card of a Mazdoor. As there is no direct payment to such Mazdoors there is no necessity to maintain records relating to reengagement of Mazdoors in the office of the respondent. The applicant had submitted an application for empanelment and temporary status in 1995, but he could not produce valid work done certificate from the concerned Sub Division apparently because he had not worked. Therefore his application for empanelment and temporary status was rejected. The empanelment process was done in a transparent manner after giving wide publicity in leading dailies. The list of candidates empanelled were published in all offices under the Sub Division and the same was forwarded to the concerned Employment Exchange for placing it in the notice board. The applicant has not challenged the empanelment process or the final empanelled list till date. The respondents have not denied equal opportunity to the applicant. The failure to produce a valid work done certificate after his provisional engagement as Mazdoor cannot be condoned. As the applicant has not fulfilled the basic eligibility criterion he could not be empanelled as a Mazdoor. Being a member of Scheduled Caste community does not entitle him for empanelment. The period of service is to be reckoned on the basis of a valid work done certificate not on the basis of period after issuance of identity card. A Mazdoor engaged who does not work actually under the concerned Sub Division is not entitled to any



empanelment and temporary status. The applicant has not produced any valid work done certificate which would indicate that he has not worked after issuance of the identity card consequently he is not eligible for wages also. Therefore the O.A. is devoid of merit and should be dismissed.

5. Arguments were heard and documents perused.

6. Following the verdict in SLP No.19036/93 the respondents had invited applications for empanelment of Mazdoor giving wide publicity. Those who were engaged provisionally and actually worked for 10 years were eligible for empanelment. The applicant failed to produce valid work done certificate before the Committee constituted to scrutinize the applications. Therefore his application was rejected way back in 1995. The proceedings of the Committee nor the final list were not challenged by the applicant. As the applicant is not having a valid work done certificate to prove that he has actually worked from 1982 onwards, he is not eligible for empanelment and regularisation. Being a member of Scheduled Caste community does not make him eligible for empanelment in the absence of valid work done certificate. Therefore the question of discrimination and denial of equality does not arise. If the applicant has not done any work then he cannot claim wages. The applicant's claim for regularization in service is untenable as he is not eligible for the same in the absence of a valid work done certificate. The O.A. lacks merit and is liable to be dismissed. Accordingly it is ordered so. No order as to costs.



(K. GEORGE JOSEPH)
MEMBER(A)

/njj/