

23.9.1987

Central Administrative Tribunal
Madras Bench

S.A. No.98/87

KS Rajan

... Applicant

-Vs-

- 1 PA Radhakrishnan
Divisional Engineer,
Telegraphs, Ernakulam
Cochin-11
 - 2 General Manager,
Telegraphs, Kerala Circle,
Trivandrum
 - 3 NV Sebestan
o/o D.E.T, Ernakulam
Cochin-11
 - 4 PK Gopalakrishnan Nair
O/o J.E. Extl, Perumbavoor
Pin. 683542
 - 5 NP Radhakrishnan
O/o Central Telecom
Store Depot,
Valanjambalam, Ernakulam.
 - 6 PC Cheriyan
Group'D' D.T.O. Alwaye.
 - 7 MK Surendran
O/o A.E. Wireless,
Palluruthy
Cochin-682006
 - 8 KV Jose, Watchman
O/o A.E. Microwave (Mtce)
Kaloar, Ernakulam
 - 9 MA Zainuddin
O/o D.E. Microwave Project
Ernakulam, Cochin-682016
(Near Jose Junction)
- Mr PV Abraham ... Counsel for Applicant
- Mr K Kerthikeya Panicker, ... (for R 1 & 2)
ACGSC
- Mr KK Balakrishnan ... (for R3 to 9)

CORAM

Hon'ble Shri BC Mathur, Vice Chairman

and

Hon'ble Shri G Sreedharan Nair, Judicial Member

(Order pronounced by Hon'ble Shri BC Mathur, Vice Chairman)

O R D E R

This is an application under Section 19 of the Administrative Tribunal's Act of 1985 against ~~the~~ the order dated 8.10.86 and Memo No.E 217/3/1982/2 dated 20.3.1986 passed by the General Manager, Telecom, Kerala Circle and Divisional Engineer Telegraphs, Ernakulam.

2 The facts of the case are that the applicant was selected as Casual Mazdoor on 11.6.79 and has been working under the Sub Divisional Officer, Telegraphs, Always continuously. During 1982, applications were invited from ^{qualified} ~~qualified~~ casual mazdoors for selection to the cadre of Group'D'. As per recruitment rules, candidates who had worked as casual mazdoors for 240 days during two consecutive financial years as on 30.6.1982 in the recruiting unit were entitled to be considered for selection to the cadre of group'D'. Such candidates should have been either sponsored by the employment exchange or selected by the Assistant Engineer/Sub Divisional Officer as casual mazdoors and they should have worked as casual mazdoors at least 180 days in the recruiting unit after such selection as on 30.6.82. The applicant satisfied the prescribed conditions and as per order dated 27.9.1983, he was informed that he was provisionally selected for appointment as Group'D'.

However, according to orders dated 20.3.1986 passed by the 1st Respondent, the applicant was informed that the Select List dated 24.9.1983 had been cancelled. On 10.4.1986 the 1st Respondent again published a Select List of other candidates, but the applicant's name was not included in the Select List. The applicant then represented against his non-inclusion in the Select List to the 2nd Respondent and after several reminders he was informed on 8.10.86 by the 2nd Respondent that as from the details furnished by the applicant in the application, it could not be decided whether he satisfied the conditions that he had worked for 240 days consecutively for two financial years and therefore, his name was not included in the list of candidates selected.

3 According to the applicant, he had furnished the details of the number of days worked by him in the department vide his letter dated 18.4.1986 (Annexure-5) with the application and he had also submitted the Photostat copy of his casual labour service card. If the Respondents required any further details they should have asked the applicant to furnish the same and the applicant should not be blamed for their action.

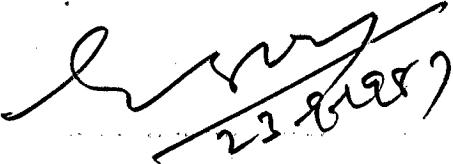
4 In their counter, the Respondents have stated that the earlier Select List for the year 1982, drawn in 1983 had to be cancelled as the recruitment was made against the rules on the subject as alleged by the service union. As per the gazette notification of recruitment rules of Group 'D' officials a minimum experience of 240 days for two consecutive financial years and a minimum 180 days of work in the recruiting unit are two essential conditions prescribed for selection.


5 The learned counsel for the applicant pointed out to various certificates issued by the competent authorities produced by the respondents with their counter. These are Annexure R3(i) and R 3(ii). Annexure R3(i) issued by the Sub Divisional Officer, Always wherein it is stated that the applicant had worked on the P&T Muster Rolls for a period of 526 days during 1.11.79 to 31.10.81/ Annexure R3(ii) states that the applicant had worked for 284 days during 1.11.81 to 30.9.82. According to the applicant, even on the basis of the average calculations the number of days that he had worked exceeds 249 days and he was clearly eligible to be considered for such appointment.

6 After hearing both sides we are of the view that the computation of the number of days on which the applicant had actually worked has not been worked out on a satisfactory basis and there is need for reconsidering the whole case. It is,

therefore, directed that the applicant should
furnish details of his service to the respondents
and in case any certificates are to be given by
any officers under the respondents, the respondents
should direct them to furnish the same ^{to the applicant} as quickly
as possible, ~~to the applicant~~ and the applicant
should furnish all the details to the respondents
within a period of three months from the receipt
of this order. The respondents shall, thereafter,
consider his ^{claim} ~~application~~ and dispose it of by
a reasoned order within a period of one month
thereafter.

7 The application is disposed of as above.


(G Sreedharan Nair)
Judicial Member
23.9.97


(BC Mathur)
Vice Chairman
23.9.87

Index: Yes/No