

CENTRAL ADMINISTRATIVE TRIBUNAL
ERNAKULAM BENCH

O.As 1128/93, 1773/94 and
O.A. 106/95

Monday this the 6th day of February, 1995.

CORAM:

HON'BLE MR.JUSTICE CHETTUR SANKARAN NAIR, VICE CHAIRMAN

HON'BLE MR. S.P. BISWAS, ADMINISTRATIVE MEMBER

O.A.1128/93

A.Mohammed,
Ambiyil Veedu,
Karuvatta PO.

... Applicant

(By Advocate Mr. M.R.Rajendran Nair)

Vs.

1. The Chief General Manager,
Telecom, Kerala Circle,
Thiruvananthapuram.

2. The Telecom District Manager,
Alleppey.

3. The Sub Divisional Officer,
Telegraphs, Alapuzha.

... Respondents

(By Advocate Mr. MHJ David, J ACGSC)

O.A.1773/94

T.K.Geethanandan,
Thengathara House,
Nayaramblam PO, Vypeen.

... Applicant

(By Advocate Mr. M.R.Rajendran Nair)

Vs.

1. The Union of India represented
by Secretary, Ministry of Communications,
New Delhi.

2. The Chief General Manager, Telecom
Kerala Circle, Trivandrum.

3. The Telecom District Manager,
Ernakulam.

... Respondents

(By Advocate Mr. MHJ David J, ACGSC)

O.A.106/95

P.S.Sivan Pillai,
Purayidathu Mannil,
Theodickal-689 613
(Casual Mazdoor, Office of the
sub divisional officer,
Telegraphs, Tiruvalla).

... Applicant

(By Advocate Mr. M.R.Rajendran Nair)

Vs.

1. The District Telecom Engineer,
Office of the Telecom Engineer,
Tiruvalla.

2. The Chief General Manager,
Telecom, Kerala Circle,
Trivandrum.

... Respondents

(By Advocate Mr. T.R.Ramachandran Nair, ACGSC)

ORDER

CHETTUR SANKARAN NAIR(J), VICE CHAIRMAN

A number of persons had been approaching this Tribunal claiming regularisation on the basis that they had been casual employees, under the Telecom Department. In an earlier case O.A.1027/91 a Bench of this Tribunal had framed a scheme and issued as many as 21 directions regarding the manner in which regularisation was to be made. When O.A.1402/93 and connected cases filed by casual employees for regularisation of their services came up for hearing, counsel on both sides submitted that the directions in O.A.1027/91 had created more problems, than they had solved. We thought that the department should be left free to ordain its affairs, subject to considerations of public policy and law as laid down by the Supreme Court. We therefore directed the department

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(following the Supreme Court decision in Delhi Development Horticulture Employees' Union Vs. Delhi Administration, AIR 1992 SC 789) to draw up a panel of casual employees and to make appointment from that, leaving the department to decide the principles upon which the ranking in the panel is to be made. We also directed newspaper publication so that all claimants may establish their claims before the competent authority for empanelment. Individual casual labourers have been claiming regularisation and virtually this Tribunal had been making adjudications in individual cases.

2. Since action has not been taken to comply with the directions in O.A.1402/93 more and more cases are being filed. The directions in O.A.1402/93 are binding on the respondents and they must comply with the directions. We had required the department to cause publication in newspapers. But we did not put them in a time frame. Things have been drifting and it is time to issue a direction regarding time limit. The direction to cause publication issued in O.A.1402/93 and connected cases, will be carried out within twenty one days from today. Thereafter the respondent department will deal with these cases also on the basis of the Division Bench decision in O.A.1402/93 and connected cases.

3. With the aforesaid directions we dispose of these applications. No costs.

Dated 6th day of February, 1995.

S.P. BISWAS
ADMINISTRATIVE MEMBER

CHETTUR SANKARAN NAIR (J)
VICE CHAIRMAN



CERTIFIED TRUE COPY

Date 8.2.95

Deputy Registrar

12/81